



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1682

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1 1 Amend House File 646, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5
1 6 DIVISION I
1 6 FY 2011=2012
1 7 <Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.
1 8 1. There is appropriated from the general fund of
1 9 the state to the department of administrative services
1 10 for the fiscal year beginning July 1, 2011, and ending
1 11 June 30, 2012, the following amounts, or so much
1 12 thereof as is necessary, to be used for the purposes
1 13 designated, and for not more than the following
1 14 full-time equivalent positions:
1 15 a. For salaries, support, maintenance, and
1 16 miscellaneous purposes:
1 17 \$ 4,210,319
1 18 FTEs 84.18
1 19 b. For the payment of utility costs:
1 20 \$ 2,739,460
1 21 FTEs 1.00
1 22 Notwithstanding section 8.33, any excess funds
1 23 appropriated for utility costs in this lettered
1 24 paragraph shall not revert to the general fund of the
1 25 state at the end of the fiscal year but shall remain
1 26 available for expenditure for the purposes of this
1 27 lettered paragraph during the succeeding fiscal year.
1 28 c. For Terrace Hill operations:
1 29 \$ 405,914
1 30 FTEs 6.88
1 31 d. For the I3 distribution account:
1 32 \$ 3,328,000
1 33 e. For operations and maintenance of the Iowa
1 34 building:
1 35 \$ 1,018,185
1 36 FTEs 4.00
1 37 2. Members of the general assembly serving as
1 38 members of the deferred compensation advisory board
1 39 shall be entitled to receive per diem and necessary
1 40 travel and actual expenses pursuant to section 2.10,
1 41 subsection 5, while carrying out their official duties
1 42 as members of the board.
1 43 3. Any funds and premiums collected by the
1 44 department for workers' compensation shall be
1 45 segregated into a separate workers' compensation
1 46 fund in the state treasury to be used for payment of
1 47 state employees' workers' compensation claims and
1 48 administrative costs. Notwithstanding section 8.33,
1 49 unencumbered or unobligated moneys remaining in this
1 50 workers' compensation fund at the end of the fiscal



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2 1 year shall not revert but shall be available for
2 2 expenditure for purposes of the fund for subsequent
2 3 fiscal years.

2 4 Sec. 2. REVOLVING FUNDS. There is appropriated
2 5 to the department of administrative services for the
2 6 fiscal year beginning July 1, 2011, and ending June
2 7 30, 2012, from the revolving funds designated in
2 8 chapter 8A and from internal service funds created
2 9 by the department such amounts as the department
2 10 deems necessary for the operation of the department
2 11 consistent with the requirements of chapter 8A.

2 12 Sec. 3. FUNDING FOR IOWACCESS.

2 13 1. Notwithstanding section 321A.3, subsection
2 14 1, for the fiscal year beginning July 1, 2011, and
2 15 ending June 30, 2012, the first \$750,000 collected
2 16 and transferred by the department of transportation
2 17 to the treasurer of state with respect to the fees
2 18 for transactions involving the furnishing of a
2 19 certified abstract of a vehicle operating record under
2 20 section 321A.3, subsection 1, shall be transferred
2 21 to the IowAccess revolving fund for the purposes of
2 22 developing, implementing, maintaining, and expanding
2 23 electronic access to government records as provided by
2 24 law.

2 25 2. All fees collected with respect to transactions
2 26 involving IowAccess shall be deposited in the IowAccess
2 27 revolving fund and shall be used only for the support
2 28 of IowAccess projects.

2 29 3. For the fiscal year beginning July 1, 2011,
2 30 and ending June 30, 2012, there is appropriated from
2 31 the IowAccess revolving fund, to the office of the
2 32 secretary of state \$75,000 for costs associated with
2 33 decennial redistricting.

2 34 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE
2 35 ADMINISTRATION CHARGE. For the fiscal year beginning
2 36 July 1, 2011, and ending June 30, 2012, the monthly per
2 37 contract administrative charge which may be assessed by
2 38 the department of administrative services shall be \$2
2 39 per contract on all health insurance plans administered
2 40 by the department.

2 41 Sec. 5. AUDITOR OF STATE.

2 42 1. There is appropriated from the general fund of
2 43 the state to the office of the auditor of state for the
2 44 fiscal year beginning July 1, 2011, and ending June
2 45 30, 2012, subject to subsection 3 of this section, the
2 46 following amount, or so much thereof as is necessary,
2 47 to be used for the purposes designated, and for not
2 48 more than the following full-time equivalent positions:

2 49 For salaries, support, maintenance, and
2 50 miscellaneous purposes:



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3 1	\$	814,921
3 2	FTEs	103.00
3 3 2. The auditor of state may retain additional		
3 4 full=time equivalent positions as is reasonable and		
3 5 necessary to perform governmental subdivision audits		
3 6 which are reimbursable pursuant to section 11.20		
3 7 or 11.21, to perform audits which are requested by		
3 8 and reimbursable from the federal government, and		
3 9 to perform work requested by and reimbursable from		
3 10 departments or agencies pursuant to section 11.5A		
3 11 or 11.5B. The auditor of state shall notify the		
3 12 department of management, the legislative fiscal		
3 13 committee, and the legislative services agency of the		
3 14 additional full=time equivalent positions retained.		
3 15 3. The auditor of state shall allocate sufficient		
3 16 resources from the appropriation in this section for		
3 17 the completion of the audit of the comprehensive annual		
3 18 financial report to the extent that it ensures that		
3 19 sufficient audit procedures were followed for the		
3 20 entire fiscal year to satisfy the auditor that revenues		
3 21 and expenditures were recorded properly.		
3 22 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE		
3 23 BOARD. There is appropriated from the general fund of		
3 24 the state to the Iowa ethics and campaign disclosure		
3 25 board for the fiscal year beginning July 1, 2011, and		
3 26 ending June 30, 2012, the following amount, or so much		
3 27 thereof as is necessary, for the purposes designated:		
3 28 For salaries, support, maintenance, and		
3 29 miscellaneous purposes, and for not more than the		
3 30 following full=time equivalent positions:		
3 31	\$	525,000
3 32	FTEs	5.00
3 33 Sec. 7. DEPARTMENT OF COMMERCE.		
3 34 1. There is appropriated from the general fund		
3 35 of the state to the department of commerce for the		
3 36 fiscal year beginning July 1, 2011, and ending June 30,		
3 37 2012, the following amounts, or so much thereof as is		
3 38 necessary, for the purposes designated:		
3 39 a. ALCOHOLIC BEVERAGES DIVISION		
3 40 (1) For salaries, support, maintenance, and		
3 41 miscellaneous purposes, and for not more than the		
3 42 following full=time equivalent positions:		
3 43	\$	1,370,391
3 44	FTEs	23.00
3 45 (2) Of the funds appropriated pursuant to this		
3 46 paragraph, up to \$60,000 shall be used to establish		
3 47 and implement a web=based alcohol compliance employee		
3 48 training program for alcoholic beverage sales		
3 49 personnel.		
3 50 (3) Two of the full=time equivalent positions		



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4 1 authorized pursuant to subparagraph (1) shall
4 2 be allocated for purposes associated with the
4 3 implementation of 2011 Iowa Acts, House File 617.
4 4 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
4 5 For salaries, support, maintenance, and
4 6 miscellaneous purposes, and for not more than the
4 7 following full-time equivalent positions:
4 8 \$ 609,353
4 9 FTEs 12.00
4 10 2. There is appropriated from the department of
4 11 commerce revolving fund created in section 546.12
4 12 to the department of commerce for the fiscal year
4 13 beginning July 1, 2011, and ending June 30, 2012, the
4 14 following amounts, or so much thereof as is necessary,
4 15 for the purposes designated:
4 16 a. BANKING DIVISION
4 17 For salaries, support, maintenance, and
4 18 miscellaneous purposes, and for not more than the
4 19 following full-time equivalent positions:
4 20 \$ 8,851,670
4 21 FTEs 80.00
4 22 b. CREDIT UNION DIVISION
4 23 For salaries, support, maintenance, and
4 24 miscellaneous purposes, and for not more than the
4 25 following full-time equivalent positions:
4 26 \$ 1,727,995
4 27 FTEs 19.00
4 28 c. INSURANCE DIVISION
4 29 (1) For salaries, support, maintenance, and
4 30 miscellaneous purposes, and for not more than the
4 31 following full-time equivalent positions:
4 32 \$ 4,983,244
4 33 FTEs 106.50
4 34 (2) The insurance division may reallocate
4 35 authorized full-time equivalent positions as necessary
4 36 to respond to accreditation recommendations or
4 37 requirements. The insurance division expenditures
4 38 for examination purposes may exceed the projected
4 39 receipts, refunds, and reimbursements, estimated
4 40 pursuant to section 505.7, subsection 7, including the
4 41 expenditures for retention of additional personnel,
4 42 if the expenditures are fully reimbursable and the
4 43 division first does both of the following:
4 44 (a) Notifies the department of management, the
4 45 legislative services agency, and the legislative fiscal
4 46 committee of the need for the expenditures.
4 47 (b) Files with each of the entities named in
4 48 subparagraph division (a) the legislative and
4 49 regulatory justification for the expenditures, along
4 50 with an estimate of the expenditures.



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5 1 d. UTILITIES DIVISION

5 2 (1) For salaries, support, maintenance, and
5 3 miscellaneous purposes, and for not more than the
5 4 following full-time equivalent positions:

5 5	\$	8,173,069
5 6	FTEs	79.00

5 7 (2) The utilities division may expend additional
5 8 funds, including funds for additional personnel, if
5 9 those additional expenditures are actual expenses which
5 10 exceed the funds budgeted for utility regulation and
5 11 the expenditures are fully reimbursable. Before the
5 12 division expends or encumbers an amount in excess of
5 13 the funds budgeted for regulation, the division shall
5 14 first do both of the following:

5 15 (a) Notify the department of management, the
5 16 legislative services agency, and the legislative fiscal
5 17 committee of the need for the expenditures.

5 18 (b) File with each of the entities named in
5 19 subparagraph division (a) the legislative and
5 20 regulatory justification for the expenditures, along
5 21 with an estimate of the expenditures.

5 22 (3) Notwithstanding sections 8.33 and 476.10 or
5 23 any other provisions to the contrary, any unencumbered
5 24 or unobligated balance of the appropriation made in
5 25 this paragraph for the utilities division or any other
5 26 operational appropriation made for the fiscal year
5 27 beginning July 1, 2011, and ending June 30, 2012,
5 28 that remains unused, unencumbered, or unobligated
5 29 at the close of the fiscal year shall not revert but
5 30 shall remain available to be used for purposes of the
5 31 energy-efficient building project authorized under
5 32 section 476.10B, or for relocation costs in succeeding
5 33 fiscal years.

5 34 3. CHARGES. Each division and the office of
5 35 consumer advocate shall include in its charges
5 36 assessed or revenues generated an amount sufficient
5 37 to cover the amount stated in its appropriation and
5 38 any state-assessed indirect costs determined by the
5 39 department of administrative services.

5 40 Sec. 8. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
5 41 LICENSING AND REGULATION BUREAU. There is appropriated
5 42 from the housing trust fund of the Iowa finance
5 43 authority created in section 16.181, to the bureau of
5 44 professional licensing and regulation of the banking
5 45 division of the department of commerce for the fiscal
5 46 year beginning July 1, 2011, and ending June 30,
5 47 2012, the following amount, or so much thereof as is
5 48 necessary, to be used for the purposes designated:

5 49 For salaries, support, maintenance, and
5 50 miscellaneous purposes:



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6 1 \$ 62,317
6 2 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is
6 3 appropriated from the general fund of the state to the
6 4 offices of the governor and the lieutenant governor for
6 5 the fiscal year beginning July 1, 2011, and ending June
6 6 30, 2012, the following amounts, or so much thereof as
6 7 is necessary, to be used for the purposes designated:
6 8 1. GENERAL OFFICE
6 9 For salaries, support, maintenance, and
6 10 miscellaneous purposes for the general office of the
6 11 governor and the general office of the lieutenant
6 12 governor, and for not more than the following full-time
6 13 equivalent positions:
6 14 \$ 2,163,492
6 15 FTEs 21.00
6 16 2. TERRACE HILL QUARTERS
6 17 For salaries, support, maintenance, and
6 18 miscellaneous purposes for the governor's quarters
6 19 at Terrace Hill, and for not more than the following
6 20 full-time equivalent positions:
6 21 \$ 69,533
6 22 FTEs 0.88
6 23 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL
6 24 POLICY. There is appropriated from the general fund
6 25 of the state to the governor's office of drug control
6 26 policy for the fiscal year beginning July 1, 2011, and
6 27 ending June 30, 2012, the following amount, or so much
6 28 thereof as is necessary, to be used for the purposes
6 29 designated:
6 30 For salaries, support, maintenance, and
6 31 miscellaneous purposes, including statewide
6 32 coordination of the drug abuse resistance education
6 33 (D.A.R.E.) programs or similar programs, and for not
6 34 more than the following full-time equivalent positions:
6 35 \$ 326,043
6 36 FTEs 8.00
6 37 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is
6 38 appropriated from the general fund of the state to
6 39 the department of human rights for the fiscal year
6 40 beginning July 1, 2011, and ending June 30, 2012, the
6 41 following amounts, or so much thereof as is necessary,
6 42 to be used for the purposes designated:
6 43 1. CENTRAL ADMINISTRATION DIVISION
6 44 For salaries, support, maintenance, and
6 45 miscellaneous purposes, and for not more than the
6 46 following full-time equivalent positions:
6 47 \$ 206,103
6 48 FTEs 7.00
6 49 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
6 50 For salaries, support, maintenance, and



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7 1 miscellaneous purposes, and for not more than the
7 2 following full-time equivalent positions:
7 3 \$ 1,056,792
7 4 FTEs 17.00
7 5 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
7 6 For salaries, support, maintenance, and
7 7 miscellaneous purposes, and for not more than the
7 8 following full-time equivalent positions:
7 9 \$ 1,073,892
7 10 FTEs 10.00
7 11 The criminal and juvenile justice planning advisory
7 12 council and the juvenile justice advisory council
7 13 shall coordinate their efforts in carrying out their
7 14 respective duties relative to juvenile justice.
7 15 Sec. 12. DEPARTMENT OF INSPECTIONS AND
7 16 APPEALS. There is appropriated from the general fund
7 17 of the state to the department of inspections and
7 18 appeals for the fiscal year beginning July 1, 2011, and
7 19 ending June 30, 2012, the following amounts, or so much
7 20 thereof as is necessary, for the purposes designated:
7 21 1. ADMINISTRATION DIVISION
7 22 For salaries, support, maintenance, and
7 23 miscellaneous purposes, and for not more than the
7 24 following full-time equivalent positions:
7 25 \$ 1,611,061
7 26 FTEs 37.40
7 27 2. ADMINISTRATIVE HEARINGS DIVISION
7 28 For salaries, support, maintenance, and
7 29 miscellaneous purposes, and for not more than the
7 30 following full-time equivalent positions:
7 31 \$ 553,973
7 32 FTEs 23.00
7 33 3. INVESTIGATIONS DIVISION
7 34 a. For salaries, support, maintenance, and
7 35 miscellaneous purposes, and for not more than the
7 36 following full-time equivalent positions:
7 37 \$ 1,168,639
7 38 FTEs 58.50
7 39 b. The department, in coordination with the
7 40 investigations division, shall provide a report to
7 41 the general assembly by January 10, 2012, concerning
7 42 the fiscal impact of additional full-time equivalent
7 43 positions on the department's efforts relative to the
7 44 Medicaid divestiture program under chapter 249F.
7 45 4. HEALTH FACILITIES DIVISION
7 46 a. For salaries, support, maintenance, and
7 47 miscellaneous purposes, and for not more than the
7 48 following full-time equivalent positions:
7 49 \$ 3,562,739
7 50 FTEs 134.75



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8 1 b. The department shall, in coordination with
8 2 the health facilities division, make the following
8 3 information available to the public in a timely
8 4 manner, to include providing the information on the
8 5 department's internet website, during the fiscal year
8 6 beginning July 1, 2011, and ending June 30, 2012:
8 7 (1) The number of inspections conducted by the
8 8 division annually by type of service provider and type
8 9 of inspection.
8 10 (2) The total annual operations budget for the
8 11 division, including general fund appropriations and
8 12 federal contract dollars received by type of service
8 13 provider inspected.
8 14 (3) The total number of full-time equivalent
8 15 positions in the division, to include the number of
8 16 full-time equivalent positions serving in a supervisory
8 17 capacity, and serving as surveyors, inspectors, or
8 18 monitors in the field by type of service provider
8 19 inspected.
8 20 (4) Identification of state and federal survey
8 21 trends, cited regulations, the scope and severity of
8 22 deficiencies identified, and federal and state fines
8 23 assessed and collected concerning nursing and assisted
8 24 living facilities and programs.
8 25 c. It is the intent of the general assembly that
8 26 the department and division continuously solicit input
8 27 from facilities regulated by the division to assess and
8 28 improve the division's level of collaboration and to
8 29 identify new opportunities for cooperation.
8 30 5. EMPLOYMENT APPEAL BOARD
8 31 a. For salaries, support, maintenance, and
8 32 miscellaneous purposes, and for not more than the
8 33 following full-time equivalent positions:
8 34 \$ 42,215
8 35 FTEs 14.00
8 36 b. The employment appeal board shall be reimbursed
8 37 by the labor services division of the department
8 38 of workforce development for all costs associated
8 39 with hearings conducted under chapter 91C, related
8 40 to contractor registration. The board may expend,
8 41 in addition to the amount appropriated under this
8 42 subsection, additional amounts as are directly billable
8 43 to the labor services division under this subsection
8 44 and to retain the additional full-time equivalent
8 45 positions as needed to conduct hearings required
8 46 pursuant to chapter 91C.
8 47 6. CHILD ADVOCACY BOARD
8 48 a. For foster care review and the court appointed
8 49 special advocate program, including salaries, support,
8 50 maintenance, and miscellaneous purposes, and for not



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9 1 more than the following full-time equivalent positions:
9 2 \$ 2,794,473
9 3 FTEs 40.80
9 4 b. The department of human services, in
9 5 coordination with the child advocacy board and the
9 6 department of inspections and appeals, shall submit an
9 7 application for funding available pursuant to Tit. IV=E
9 8 of the federal Social Security Act for claims for child
9 9 advocacy board administrative review costs.
9 10 c. The court appointed special advocate program
9 11 shall investigate and develop opportunities for
9 12 expanding fund-raising for the program.
9 13 d. Administrative costs charged by the department
9 14 of inspections and appeals for items funded under this
9 15 subsection shall not exceed 4 percent of the amount
9 16 appropriated in this subsection.
9 17 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS
9 18 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
9 19 fiscal year beginning July 1, 2011, and ending June 30,
9 20 2012, the department of inspections and appeals shall
9 21 retain any license fees generated during the fiscal
9 22 year as a result of actions under section 137F.3A
9 23 occurring during the period beginning July 1, 2009, and
9 24 ending June 30, 2011, for the purpose of enforcing the
9 25 provisions of chapters 137C, 137D, and 137F.
9 26 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS ====
9 27 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
9 28 any provision of section 135C.16 to the contrary,
9 29 inspections of health care facilities that are only
9 30 state-licensed and not certified under the Medicare
9 31 or Medicaid programs shall not be inspected by the
9 32 department of inspections and appeals every thirty
9 33 months, but only as provided pursuant to sections
9 34 135C.9 and 135C.38.
9 35 Sec. 15. DEPARTMENT OF INSPECTIONS AND
9 36 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
9 37 APPROPRIATION. There is appropriated from the Medicaid
9 38 fraud fund created in section 249A.7 to the department
9 39 of inspections and appeals for the fiscal year
9 40 beginning July 1, 2011, and ending June 30, 2012, the
9 41 following amount, or so much thereof as is necessary,
9 42 to be used for the purposes designated:
9 43 For additional health facility surveyors, compliance
9 44 officers, and residential care facility surveyors:
9 45 \$ 650,000
9 46 Sec. 16. DEPARTMENT OF INSPECTIONS AND APPEALS
9 47 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
9 48 APPROPRIATION. There is appropriated from the Medicaid
9 49 fraud fund created in section 249A.7 to the department
9 50 of inspections and appeals for the fiscal year



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10 1 beginning July 1, 2011, and ending June 30, 2012, the
10 2 amounts necessary for the purposes designated:
10 3 1. To cover the cost of any state match to draw
10 4 down matching federal funds through the department of
10 5 human services for additional full-time equivalent
10 6 positions for conducting investigations of alleged
10 7 fraud and overpayments of food assistance benefits
10 8 through electronic benefits transfer.

10 9 2. For the state financial match requirement
10 10 for meeting the federal mandates connected with the
10 11 department's Medicaid fraud and abuse activities, and
10 12 the amount necessary to cover costs incurred by the
10 13 department or other agencies in providing regulation,
10 14 responding to allegations, or other activity involving
10 15 chapter 1350.

10 16 Sec. 17. DEPARTMENT OF INSPECTIONS AND APPEALS
10 17 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
10 18 APPROPRIATION. There is appropriated from the Medicaid
10 19 fraud fund created in section 249A.7 to the department
10 20 of inspections and appeals for the fiscal year
10 21 beginning July 1, 2011, and ending June 30, 2012, the
10 22 following amount, or so much thereof as is necessary,
10 23 to be used for the purposes designated:

10 24 For salaries, support, maintenance, miscellaneous
10 25 purposes, administration, and other costs associated
10 26 with implementation of 2010 Iowa Acts, chapter 1177:
10 27 \$ 250,000

10 28 Sec. 18. DEPARTMENT OF INSPECTIONS AND APPEALS
10 29 ==== FOOD ESTABLISHMENT INSPECTIONS. Notwithstanding
10 30 any contrary provisions of section 137F.3A or other
10 31 applicable law, if within 90 calendar days of the
10 32 effective date of this section of this Act a city
10 33 with a population of not less than 58,900 or more
10 34 than 59,000 as of the 2010 decennial federal census
10 35 operating pursuant to a chapter 28E agreement with
10 36 the department of inspections and appeals to enforce
10 37 chapters 137C, 137D, and 137F, elects to continue
10 38 the agreement and the department has determined
10 39 that the quality of service provided by the contract
10 40 holder has been acceptable or better, the department
10 41 shall enter into an agreement with the city for the
10 42 city to continue such enforcement activity for the
10 43 food establishments, home food establishments, food
10 44 processing plants, and hotels located within the city.

10 45 Sec. 19. RACING AND GAMING COMMISSION.

10 46 1. RACETRACK REGULATION

10 47 There is appropriated from the gaming regulatory
10 48 revolving fund established in section 99F.20 to the
10 49 racing and gaming commission of the department of
10 50 inspections and appeals for the fiscal year beginning



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11 1 July 1, 2011, and ending June 30, 2012, the following
11 2 amount, or so much thereof as is necessary, to be used
11 3 for the purposes designated:
11 4 For salaries, support, maintenance, and
11 5 miscellaneous purposes for the regulation of
11 6 pari-mutuel racetracks, and for not more than the
11 7 following full-time equivalent positions:
11 8 \$ 2,511,440
11 9 FTEs 28.53
11 10 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
11 11 There is appropriated from the gaming regulatory
11 12 revolving fund established in section 99F.20 to the
11 13 racing and gaming commission of the department of
11 14 inspections and appeals for the fiscal year beginning
11 15 July 1, 2011, and ending June 30, 2012, the following
11 16 amount, or so much thereof as is necessary, to be used
11 17 for the purposes designated:
11 18 For salaries, support, maintenance, and
11 19 miscellaneous purposes for administration and
11 20 enforcement of the excursion boat gambling and gambling
11 21 structure laws, and for not more than the following
11 22 full-time equivalent positions:
11 23 \$ 3,078,100
11 24 FTEs 44.22
11 25 Sec. 20. ROAD USE TAX FUND APPROPRIATION ====
11 26 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
11 27 appropriated from the road use tax fund created in
11 28 section 312.1 to the administrative hearings division
11 29 of the department of inspections and appeals for the
11 30 fiscal year beginning July 1, 2011, and ending June 30,
11 31 2012, the following amount, or so much thereof as is
11 32 necessary, for the purposes designated:
11 33 For salaries, support, maintenance, and
11 34 miscellaneous purposes:
11 35 \$ 1,623,897
11 36 Sec. 21. DEPARTMENT OF MANAGEMENT.
11 37 1. There is appropriated from the general fund
11 38 of the state to the department of management for the
11 39 fiscal year beginning July 1, 2011, and ending June 30,
11 40 2012, the following amounts, or so much thereof as is
11 41 necessary, to be used for the purposes designated:
11 42 For salaries, support, maintenance, and
11 43 miscellaneous purposes, and for not more than the
11 44 following full-time equivalent positions:
11 45 \$ 2,163,998
11 46 FTEs 25.00
11 47 2. Of the moneys appropriated in this section, the
11 48 department shall use a portion for enterprise resource
11 49 planning, providing for a salary model administrator,
11 50 conducting performance audits, and for the department's



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12 1 LEAN process.

12 2 Sec. 22. ROAD USE TAX APPROPRIATION ==== DEPARTMENT

12 3 OF MANAGEMENT. There is appropriated from the road use

12 4 tax fund created in section 312.1 to the department

12 5 of management for the fiscal year beginning July 1,

12 6 2011, and ending June 30, 2012, the following amount,

12 7 or so much thereof as is necessary, to be used for the

12 8 purposes designated:

12 9 For salaries, support, maintenance, and

12 10 miscellaneous purposes:

12 11 \$ 56,000

12 12 Sec. 23. DEPARTMENT OF REVENUE.

12 13 1. There is appropriated from the general fund

12 14 of the state to the department of revenue for the

12 15 fiscal year beginning July 1, 2011, and ending June 30,

12 16 2012, the following amounts, or so much thereof as is

12 17 necessary, to be used for the purposes designated:

12 18 For salaries, support, maintenance, and

12 19 miscellaneous purposes, and for not more than the

12 20 following full-time equivalent positions:

12 21 \$ 17,805,459

12 22 FTEs 303.48

12 23 2. Of the funds appropriated pursuant to this

12 24 section, \$400,000 shall be used to pay the direct

12 25 costs of compliance related to the collection and

12 26 distribution of local sales and services taxes imposed

12 27 pursuant to chapters 423B and 423E.

12 28 3. The director of revenue shall prepare and issue

12 29 a state appraisal manual and the revisions to the

12 30 state appraisal manual as provided in section 421.17,

12 31 subsection 17, without cost to a city or county.

12 32 Sec. 24. MOTOR VEHICLE FUEL TAX

12 33 APPROPRIATION. There is appropriated from the motor

12 34 fuel tax fund created by section 452A.77 to the

12 35 department of revenue for the fiscal year beginning

12 36 July 1, 2011, and ending June 30, 2012, the following

12 37 amount, or so much thereof as is necessary, to be used

12 38 for the purposes designated:

12 39 For salaries, support, maintenance, miscellaneous

12 40 purposes, and for administration and enforcement of the

12 41 provisions of chapter 452A and the motor vehicle use

12 42 tax program:

12 43 \$ 1,305,775

12 44 Sec. 25. SECRETARY OF STATE.

12 45 1. There is appropriated from the general fund of

12 46 the state to the office of the secretary of state for

12 47 the fiscal year beginning July 1, 2011, and ending June

12 48 30, 2012, the following amounts, or so much thereof as

12 49 is necessary, to be used for the purposes designated:

12 50 For salaries, support, maintenance, and miscellaneous



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13 1 purposes, and for not more than the following full-time
13 2 equivalent positions:
13 3 \$ 2,895,585
13 4 FTEs 45.00
13 5 2. The state department or state agency which
13 6 provides data processing services to support voter
13 7 registration file maintenance and storage shall provide
13 8 those services without charge.
13 9 Sec. 26. SECRETARY OF STATE FILING FEES REFUND.
13 10 Notwithstanding the obligation to collect fees pursuant
13 11 to the provisions of section 490.122, subsection 1,
13 12 paragraphs "a" and "s", and section 504.113, subsection
13 13 1, paragraphs "a", "c", "d", "j", "k", "l", and
13 14 "m", for the fiscal year beginning July 1, 2011, the
13 15 secretary of state may refund these fees to the filer
13 16 pursuant to rules established by the secretary of
13 17 state. The decision of the secretary of state not to
13 18 issue a refund under rules established by the secretary
13 19 of state is final and not subject to review pursuant
13 20 to chapter 17A.
13 21 Sec. 27. TREASURER.
13 22 1. There is appropriated from the general fund of
13 23 the state to the office of treasurer of state for the
13 24 fiscal year beginning July 1, 2011, and ending June 30,
13 25 2012, the following amount, or so much thereof as is
13 26 necessary, to be used for the purposes designated:
13 27 For salaries, support, maintenance, and
13 28 miscellaneous purposes, and for not more than the
13 29 following full-time equivalent positions:
13 30 \$ 854,289
13 31 FTEs 28.80
13 32 2. The office of treasurer of state shall supply
13 33 clerical and secretarial support for the executive
13 34 council.
13 35 Sec. 28. ROAD USE TAX APPROPRIATION ==== OFFICE
13 36 OF TREASURER OF STATE. There is appropriated from
13 37 the road use tax fund created in section 312.1 to
13 38 the office of treasurer of state for the fiscal year
13 39 beginning July 1, 2011, and ending June 30, 2012, the
13 40 following amount, or so much thereof as is necessary,
13 41 to be used for the purposes designated:
13 42 For enterprise resource management costs related to
13 43 the distribution of road use tax funds:
13 44 \$ 93,148
13 45 Sec. 29. IPERS ==== GENERAL OFFICE. There is
13 46 appropriated from the Iowa public employees' retirement
13 47 system fund to the Iowa public employees' retirement
13 48 system for the fiscal year beginning July 1, 2011, and
13 49 ending June 30, 2012, the following amount, or so much
13 50 thereof as is necessary, to be used for the purposes



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14 1 designated:

14 2 For salaries, support, maintenance, and other
14 3 operational purposes to pay the costs of the Iowa
14 4 public employees' retirement system, and for not more
14 5 than the following full-time equivalent positions:
14 6 \$ 17,686,968
14 7 FTEs 90.13

14 8 Sec. 30. STATE CAPITOL SIDEWALK HEATING ====
14 9 DISCONNECTION. The department of administrative
14 10 services shall disconnect electricity to the heated
14 11 sidewalk installed in the entry walkway on the east
14 12 side of the state capitol building, and shall not
14 13 reconnect the electricity without the authorization of
14 14 the general assembly.

14 15 Sec. 31. Section 8A.111, subsection 4, Code 2011,
14 16 is amended by striking the subsection.

14 17 Sec. 32. Section 8A.311, subsection 15, Code 2011,
14 18 is amended to read as follows:

14 19 15. a. A bidder ~~awarded~~, to be considered for an
14 20 award of a state construction contract, shall disclose
14 21 to the state agency awarding the contract the names of
14 22 all subcontractors, and suppliers who will work on the
14 23 project being bid, within forty-eight hours after the
14 24 ~~award of the contract~~ published date and time by which
14 25 bids must submitted.

14 26 b. A bidder shall not replace a subcontractor or
14 27 supplier disclosed under paragraph "a" without the
14 28 approval of the state agency awarding the contract.

14 29 c. A bidder, prior to an award or who is awarded a
14 30 state construction contract, shall disclose all of the
14 31 following, as applicable:

14 32 ~~b.~~ (1) If a subcontractor ~~named~~ or supplier
14 33 disclosed under paragraph "a" by a bidder ~~awarded~~
14 34 ~~a state construction contract~~ is replaced, ~~or if~~
14 35 ~~the reason for replacement and the name of the new~~
14 36 subcontractor or supplier.

14 37 (2) If the cost of work to be done by a
14 38 subcontractor or supplier is ~~reduced~~, the bidder shall
14 39 ~~disclose the name of the new subcontractor or~~ changed
14 40 or if the replacement of a subcontractor or supplier
14 41 results in a change in the cost, the amount of the
14 42 ~~reduced change in cost.~~

14 43 Sec. 33. Section 8A.315, subsection 1, paragraph d,
14 44 Code 2011, is amended by striking the paragraph.

14 45 Sec. 34. Section 8A.321, subsection 6, Code 2011,
14 46 is amended to read as follows:

14 47 6. a. Lease all buildings and office space
14 48 necessary to carry out the provisions of this
14 49 subchapter or necessary for the proper functioning of
14 50 any state agency ~~at the seat of government~~ wherever



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15 1 located throughout the state. For state agencies
15 2 at the seat of government, the director may lease
15 3 buildings and office space in Polk county or in a
15 4 county contiguous to Polk county. If no specific
15 5 appropriation has been made, the proposed lease
15 6 shall be submitted to the executive council for
15 7 approval. The cost of any lease for which no specific
15 8 appropriation has been made shall be paid from the fund
15 9 provided in section 7D.29. Additionally, the director
15 10 shall also develop cooperative relationships with the
15 11 state board of regents in order to promote colocation
15 12 of state agencies.

15 13 b. When the general assembly is not in session,
15 14 the director may request moneys from the executive
15 15 council for moving state agencies ~~located at the seat~~
15 16 ~~of government~~ from one location to another. The
15 17 request may include moving costs, telecommunications
15 18 costs, repair costs, or any other costs relating to the
15 19 move. The executive council may approve and shall pay
15 20 the costs from funds provided in section 7D.29 if it
15 21 determines the agency or department has no available
15 22 funds for these expenses.

15 23 c. ~~Coordinate the leasing of buildings and office~~
15 24 ~~space by state agencies throughout the state and~~
15 25 ~~develop cooperative relationships with the state board~~
15 26 ~~of regents in order to promote the colocation of state~~
15 27 ~~agencies.~~

15 28 Sec. 35. Section 8A.327, subsection 1, Code 2011,
15 29 is amended to read as follows:

15 30 1. A rent revolving fund is created in the state
15 31 treasury under the control of the department to be used
15 32 by the department to pay the lease or rental costs of
15 33 all buildings and office space necessary for the proper
15 34 functioning of any state agency ~~at the seat of state~~
15 35 ~~government~~ wherever located throughout the state as
15 36 provided in section 8A.321, subsection 6, except that
15 37 this fund shall not be used to pay the rental or lease
15 38 costs of a state agency which has not received funds
15 39 budgeted for rental or lease purposes.

15 40 Sec. 36. Section 8A.361, Code 2011, is amended to
15 41 read as follows:

15 42 8A.361 Vehicle assignment ==== authority in
15 43 department.

15 44 The department shall provide for the assignment of
15 45 all ~~state-owned~~ motor vehicles to be utilized by all state
15 46 officers and employees, and ~~to be~~ by all state offices,
15 47 departments, bureaus, and commissions, except the state
15 48 department of transportation, institutions under the
15 49 control of the state board of regents, the department
15 50 for the blind, and any other agencies exempted by law.



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16 1 Sec. 37. Section 8A.362, subsection 4, paragraphs a
16 2 through c, Code 2011, are amended to read as follows:
16 3 a. The director shall provide for the purchase
16 4 of ~~all~~ motor vehicles for all branches of the
16 5 state government, except the state department of
16 6 transportation, institutions under the control of the
16 7 state board of regents, the department for the blind,
16 8 and any other state agency exempted by law, which are
16 9 not rented or leased pursuant to section 8A.367. The
16 10 director shall purchase new vehicles in accordance with
16 11 competitive bidding procedures for items or services as
16 12 provided in this subchapter. The director may purchase
16 13 used or preowned vehicles at governmental or dealer
16 14 auctions if the purchase is determined to be in the
16 15 best interests of the state.
16 16 b. The director, and any other state agency,
16 17 which for purposes of this subsection includes but is
16 18 not limited to community colleges and institutions
16 19 under the control of the state board of regents, or
16 20 local governmental subdivisions purchasing new motor
16 21 vehicles, shall purchase ~~new passenger~~ motor vehicles
16 22 and light trucks, which are not rented or leased
16 23 pursuant to section 8A.367, so that the average fuel
16 24 efficiency for the fleet of new passenger vehicles and
16 25 light trucks purchased in that year equals or exceeds
16 26 the average fuel economy standard for the vehicles'
16 27 model year as established by the United States
16 28 secretary of transportation under 15 U.S.C. { 2002.
16 29 This paragraph does not apply to vehicles purchased
16 30 for law enforcement purposes or used for off=road
16 31 maintenance work, or work vehicles used to pull loaded
16 32 trailers.
16 33 c. Not later than June 15 of each year, the
16 34 director shall report compliance with the corporate
16 35 average fuel economy standards published by the United
16 36 States secretary of transportation for ~~new~~ assigned
16 37 motor vehicles, other than motor vehicles purchased by
16 38 the state department of transportation, institutions
16 39 under the control of the state board of regents, the
16 40 department for the blind, and any other state agency
16 41 exempted from the requirements of this subsection.
16 42 The report of compliance shall classify the vehicles
16 43 ~~purchased~~ assigned for the current vehicle model year
16 44 using the following categories: passenger automobiles,
16 45 enforcement automobiles, vans, and light trucks.
16 46 The director shall deliver a copy of the report to
16 47 the office of energy independence. As used in this
16 48 paragraph, "corporate average fuel economy" means the
16 49 corporate average fuel economy as defined in 49 C.F.R.
16 50 { 533.5.



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17 1 Sec. 38. Section 8A.362, subsections 7 through 9,
17 2 Code 2011, are amended to read as follows:

17 3 7. The director may authorize the establishment
17 4 of motor pools consisting of a number of ~~state=owned~~
~~17 5 state=assigned~~ motor vehicles under the director's
17 6 supervision. The director may store the motor vehicles
17 7 in a public or private garage. If the director
17 8 establishes a motor pool, any state officer or employee
17 9 desiring the use of a ~~state=owned~~ ~~state=assigned~~ motor
17 10 vehicle on state business shall notify the director
17 11 of the need for a vehicle within a reasonable time
17 12 prior to actual use of the motor vehicle. The director
17 13 may assign a motor vehicle from the motor pool to the
17 14 state officer or employee, or from the vendor awarded
17 15 a contract pursuant to section 8A.367. If two or

17 16 more state officers or employees desire the use of a
17 17 ~~state=owned~~ ~~state=assigned~~ motor vehicle for a trip to
17 18 the same destination for the same length of time, the
17 19 director may assign one vehicle to make the trip.

17 20 8. The director shall require that a sign be placed
17 21 on each state=owned motor vehicle in a conspicuous
17 22 place which indicates its ownership by the state.
17 23 This requirement shall not apply to motor vehicles
17 24 requested to be exempt by the director or by the
17 25 commissioner of public safety. All state=owned motor
17 26 vehicles shall display registration plates bearing the
17 27 word "official" except motor vehicles requested to be
17 28 furnished with ordinary plates by the director or by
17 29 the commissioner of public safety pursuant to section
17 30 321.19. The director shall keep an accurate record
17 31 of the registration plates used on all state=owned
17 32 motor vehicles. This subsection shall not apply to an
17 33 assigned vehicle rented or leased pursuant to section
17 34 8A.367.

17 35 9. All fuel used in ~~state=owned~~ ~~state=assigned~~
17 36 automobiles shall be purchased at cost from the various
17 37 installations or garages of the state department of
17 38 transportation, state board of regents, department of
17 39 human services, or state motor pools throughout the
17 40 state, unless the state=owned sources for the purchase
17 41 of fuel are not reasonably accessible. If the director
17 42 determines that state=owned sources for the purchase of
17 43 fuel are not reasonably accessible, the director shall
17 44 authorize the purchase of fuel from other sources. The
17 45 director may prescribe a manner, other than the use
17 46 of the revolving fund, in which the purchase of fuel
17 47 from state=owned sources is charged to the state agency
17 48 responsible for the use of the motor vehicle. The
17 49 director shall prescribe the manner in which oil and
17 50 other normal motor vehicle maintenance for state=owned



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18 1 motor vehicles may be purchased from private sources,
18 2 if they cannot be reasonably obtained from a state
18 3 motor pool. The director may advertise for bids and
18 4 award contracts in accordance with competitive bidding
18 5 procedures for items and services as provided in
18 6 this subchapter for furnishing fuel, oil, grease, and
18 7 vehicle replacement parts for all state-owned motor
18 8 vehicles. The director and other state agencies, when
18 9 advertising for bids for gasoline, shall also seek bids
18 10 for ethanol blended gasoline.

18 11 Sec. 39. Section 8A.363, subsection 1, Code 2011,
18 12 is amended to read as follows:

18 13 1. A state officer or employee shall not use a
18 14 ~~state-owned~~ state-assigned motor vehicle for personal
18 15 private use. A state officer or employee shall not be
18 16 compensated for driving a privately owned motor vehicle
18 17 unless it is done on state business with the approval
18 18 of the director. In that case the state officer or
18 19 employee shall receive an amount to be determined by
18 20 the director. The amount shall not exceed the maximum
18 21 allowable under the federal internal revenue service
18 22 rules per mile, notwithstanding established mileage
18 23 requirements or depreciation allowances. However, the
18 24 director may authorize private motor vehicle rates in
18 25 excess of the rate allowed under the federal internal
18 26 revenue service rules for state business use of
18 27 substantially modified or specially equipped privately
18 28 owned vehicles required by persons with disabilities.
18 29 A statutory provision establishing reimbursement for
18 30 necessary mileage, travel, or actual expenses to a
18 31 state officer falls under the private motor vehicle
18 32 mileage rate limitation provided in this section
18 33 unless specifically provided otherwise. Any peace
18 34 officer employed by the state as defined in section
18 35 801.4 who is required to use a private motor vehicle
18 36 in the performance of official duties shall receive
18 37 the private vehicle mileage rate at the rate provided
18 38 in this section. However, the director may delegate
18 39 authority to officials of the state, and department
18 40 heads, for the use of private vehicles on state
18 41 business up to a yearly mileage figure established
18 42 by the director. If a ~~state~~ motor vehicle has been
18 43 assigned to a state officer or employee, the officer
18 44 or employee shall not collect mileage for the use of a
18 45 privately owned motor vehicle unless the ~~state~~ motor
18 46 vehicle assigned is not usable.

18 47 Sec. 40. NEW SECTION. 8A.367 State-owned passenger
18 48 vehicles ==== disposition and sale ==== fleet privatization.

18 49 1. For purposes of this section, "passenger
18 50 vehicles" means United States environmental protection



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19 1 agency designated compact sedans, compact wagon,
19 2 midsize sedans, midsize wagons, full-size sedans,
19 3 and passenger minivans, and additional vehicle
19 4 classes determined by the department to be able to be
19 5 reasonably supported by a private entity for rental or
19 6 leasing. "Passenger vehicles" does not mean utility
19 7 vehicles, vans other than passenger minivans, fire
19 8 trucks, ambulances, motor homes, buses, medium-duty and
19 9 heavy-duty trucks, heavy construction equipment, and
19 10 other highway maintenance vehicles, vehicles assigned
19 11 for law enforcement purposes, and any other classes
19 12 of vehicles of limited application approved by the
19 13 director of the department of administrative services.
19 14 2. On or before September 30, 2011, the department
19 15 shall implement a request for proposal process to enter
19 16 into a contract for the purpose of state passenger
19 17 vehicle rental or leasing from a private entity.
19 18 Prior to awarding a contract, a private entity shall
19 19 demonstrate the following:
19 20 a. Existence of sufficient inventory of passenger
19 21 vehicles within this state to accommodate the needs of
19 22 the state in assigning passenger vehicles.
19 23 b. Existence of adequate personnel in any county
19 24 within the state where rental and leasing activity can
19 25 be supported to satisfy the terms of the contract in
19 26 renting or leasing state-assigned vehicles.
19 27 c. Existence of adequate personnel to facilitate
19 28 the sale and disposition of the existing state-owned
19 29 passenger vehicles returned to the department pursuant
19 30 to subsection 3 or otherwise under the control of the
19 31 department. Notwithstanding the provisions of section
19 32 8A.364 to the contrary, proceeds from the sale of
19 33 motor vehicles as provided by this subsection shall be
19 34 credited to the fund from which the motor vehicles were
19 35 purchased.
19 36 3. By March 1, 2012, the department shall award
19 37 a vehicle rental or leasing contract to a private
19 38 entity, and shall assign passenger vehicles for rental
19 39 or lease pursuant to that contract, to the extent the
19 40 department determines doing so would be economically
19 41 feasible and financially advantageous. By March 1,
19 42 2012, all state-assigned passenger vehicles designated
19 43 for use by multiple drivers, and located in any county
19 44 of this state which can support the operation of a
19 45 private entity for rental and leasing purposes, which
19 46 the department determines would be suitable for rental
19 47 or leasing shall be returned to the department for use
19 48 and disposition as provided in this section.
19 49 4. Notwithstanding any other provision of state law
19 50 to the contrary, a private entity awarded a contract



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20 1 pursuant to this section shall not be required to
20 2 indemnify or hold harmless the state for any liability
20 3 the state might have to any third party due to the
20 4 negligence of the state or any of its employees.
20 5 5. The department shall conduct an ongoing
20 6 evaluation regarding the economic advantages of
20 7 renting or leasing state=assigned vehicles versus state
20 8 ownership of such vehicles, and shall accordingly
20 9 adjust the number of vehicles subject to the rental and
20 10 leasing contract pursuant to this section at intervals
20 11 specified in the contract.

20 12 Sec. 41. Section 22.3A, subsection 1, paragraph e,
20 13 Code 2011, is amended to read as follows:

20 14 e. "Data processing software" means an ordered set
20 15 of instructions or statements that, when executed by
20 16 a computer, causes the computer to process data, and
20 17 includes any program or set of programs, procedures,
20 18 or routines used to employ and control capabilities of
20 19 computer hardware. As used in this paragraph "data
20 20 processing software" includes but is not limited to an
20 21 operating system, compiler, assembler, utility, library
20 22 resource, maintenance routine, application, ~~or~~ computer
20 23 networking program, or the associated documentation.

20 24 Sec. 42. Section 99D.14, subsection 2, paragraph b,
20 25 Code 2011, is amended to read as follows:

20 26 b. Notwithstanding sections 8.60 and 99D.17, the
20 27 portion of the fee paid pursuant to paragraph "a"
20 28 relating to the costs of special agents plus any
20 29 direct and indirect support costs for the agents, for
20 30 the division of criminal investigation's racetrack
20 31 activities, shall not be deposited in the general fund
20 32 of the state but instead shall be deposited into either
20 33 the gaming enforcement revolving fund established in
20 34 section 80.43 or the gaming regulatory revolving fund
20 35 established in section 99F.20, as determined by the
20 36 department.

20 37 Sec. 43. Section 99F.10, subsection 4, paragraph b,
20 38 Code 2011, is amended to read as follows:

20 39 b. Notwithstanding sections 8.60 and 99F.4, the
20 40 portion of the fee paid pursuant to paragraph "a"
20 41 relating to the costs of special agents and officers
20 42 plus any direct and indirect support costs for the
20 43 agents and officers, for the division of criminal
20 44 investigation's excursion gambling boat or gambling
20 45 structure activities, shall not be deposited in
20 46 the general fund of the state but instead shall be
20 47 deposited into either the gaming enforcement revolving
20 48 fund established in section 80.43 or the gaming
20 49 regulatory revolving fund established in section
20 50 99F.20, as determined by the department.



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21 1 Sec. 44. NEW SECTION. 99F.20 Gaming regulatory
21 2 revolving fund.
21 3 1. A gaming regulatory revolving fund is created in
21 4 the state treasury under the control of the department.
21 5 The fund shall consist of fees collected and deposited
21 6 into the fund paid by licensees pursuant to section
21 7 99D.14, subsection 2, paragraph "b", and fees paid
21 8 by licensees pursuant to section 99F.10, subsection
21 9 4, paragraph "b". All costs relating to racetrack,
21 10 excursion boat, and gambling structure regulation shall
21 11 be paid from the fund as provided in appropriations
21 12 made for this purpose by the general assembly.
21 13 2. To meet the department's cash flow needs, the
21 14 department may temporarily use funds from the general
21 15 fund of the state to pay expenses in excess of moneys
21 16 available in the revolving fund if those additional
21 17 expenditures are fully reimbursable and the department
21 18 reimburses the general fund of the state and ensures
21 19 all moneys are repaid in full by the close of the
21 20 fiscal year. Because any general fund moneys used
21 21 shall be fully reimbursed, such temporary use of funds
21 22 from the general fund of the state shall not constitute
21 23 an appropriation for purposes of calculating the state
21 24 general fund expenditure limitation pursuant to section
21 25 8.54.
21 26 3. Section 8.33 does not apply to any moneys
21 27 credited or appropriated to the revolving fund from
21 28 any other fund and, notwithstanding section 12C.7,
21 29 subsection 2, earnings or interest on moneys deposited
21 30 in the revolving fund shall be credited to the
21 31 revolving fund.
21 32 4. The establishment of the revolving fund pursuant
21 33 to this section shall not be interpreted in any
21 34 manner to compromise or impact the accountability
21 35 of, and limitation of authority with respect to, the
21 36 department under state law. Any provision applicable
21 37 to, or responsibility of, the department shall not be
21 38 altered or impacted by the existence of the fund and
21 39 shall remain applicable to the same extent as if the
21 40 department were receiving moneys pursuant to a general
21 41 fund appropriation.
21 42 Sec. 45. Section 249A.7, Code 2011, is amended to
21 43 read as follows:
21 44 249A.7 Fraudulent practices ==== investigations and
21 45 audits ==== Medicaid fraud ~~account~~ fund.
21 46 1. A person who obtains assistance or payments for
21 47 medical assistance under this chapter by knowingly
21 48 making or causing to be made, a false statement or a
21 49 misrepresentation of a material fact or by knowingly
21 50 failing to disclose a material fact required of an



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22 1 applicant for aid under the provisions of this chapter
22 2 and a person who knowingly makes or causes to be made,
22 3 a false statement or a misrepresentation of a material
22 4 fact or knowingly fails to disclose a material fact
22 5 concerning the applicant's eligibility for aid under
22 6 this chapter commits a fraudulent practice.

22 7 2. The department of inspections and appeals
22 8 shall conduct investigations and audits as deemed
22 9 necessary to ensure compliance with the medical
22 10 assistance program administered under this chapter.
22 11 The department of inspections and appeals shall
22 12 cooperate with the department of human services
22 13 on the development of procedures relating to such
22 14 investigations and audits to ensure compliance with
22 15 federal and state single state agency requirements.

22 16 3. A Medicaid fraud ~~account fund~~ is created ~~in the~~
~~22 17 general fund of the state~~ under the authority of the
22 18 department of inspections and appeals. Moneys from
22 19 penalties and other amounts received as a result of
22 20 prosecutions involving the department of inspections
22 21 and appeals investigations and audits to ensure
22 22 compliance with the medical assistance program that
22 23 are not credited to the program may be credited to
22 24 the ~~account fund~~. Notwithstanding sections 8.33 and
22 25 8.39, moneys credited to the ~~account fund~~ shall not
22 26 revert to any other account or fund and are not subject
22 27 to transfer except as specifically provided by law.
22 28 Moneys in the fund shall be used for costs associated
22 29 with the department of inspections and appeals'
22 30 efforts to address medical assistance program fraud
22 31 and abuse and for costs incurred by the department of
22 32 inspections and appeals or other agencies in providing
22 33 regulation, responding to allegations, or other
22 34 activity involving chapter 1350. The department of
22 35 inspections and appeals and other agencies receiving
22 36 moneys from the ~~account fund~~ shall provide a joint
22 37 annual report to the governor and general assembly
22 38 detailing the expenditures from the ~~account fund~~ and
22 39 activities performed relating to the expenditures.
22 40 ~~This subsection is repealed on July 1, 2012. Any~~
22 41 ~~remaining balance of unencumbered or unallocated moneys~~
22 42 ~~in the Medicaid fraud account in existence prior to~~
22 43 ~~July 1, 2011, shall not revert but shall be deposited~~
22 44 ~~into the Medicaid fraud fund and used as provided in~~
22 45 ~~this section.~~

22 46 Sec. 46. Section 546.12, Code 2011, is amended by
22 47 adding the following new subsection:

22 48 NEW SUBSECTION. 3. The establishment of the
22 49 revolving fund pursuant to this section shall not be
22 50 interpreted in any manner to compromise or impact



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23 1 the accountability of, and limitation of authority
23 2 with respect to, an agency or entity under state law.
23 3 Any provision applicable to, or responsibility of, a
23 4 division or office collecting moneys for deposit into
23 5 the fund established pursuant to this section shall not
23 6 be altered or impacted by the existence of the fund and
23 7 shall remain applicable to the same extent as if the
23 8 division or office were receiving moneys pursuant to a
23 9 general fund appropriation.

23 10 Sec. 47. Section 715C.2, subsection 1, Code 2011,
23 11 is amended to read as follows:

23 12 1. Any person who owns or licenses computerized
23 13 data that includes a consumer's personal information
23 14 that is used in the course of the person's business,
23 15 vocation, occupation, or volunteer activities and
23 16 that was subject to a breach of security shall give
23 17 notice of the breach of security following discovery
23 18 of such breach of security, or receipt of notification
23 19 under subsection 2, to any consumer whose personal
23 20 information was included in the information that was
23 21 breached. The consumer notification shall be made
23 22 in the most expeditious manner possible and without
23 23 unreasonable delay, consistent with the legitimate
23 24 needs of law enforcement as provided in subsection
23 25 3, and consistent with any measures necessary to
23 26 sufficiently determine contact information for the
23 27 affected consumers, determine the scope of the breach,
23 28 and restore the reasonable integrity, security, and
23 29 confidentiality of the data. A person required to
23 30 provide notice of a breach of security under this
23 31 section shall also notify the attorney general as to
23 32 the timing, content, and distribution of the notice
23 33 to consumers and an approximate number of affected
23 34 consumers.

23 35 Sec. 48. REPEAL. 2009 Iowa Acts, chapter 179,
23 36 section 146, is repealed.

23 37 Sec. 49. 2009 Iowa Acts, chapter 169, section 4,
23 38 subsection 2, is amended to read as follows:

23 39 2. From the moneys appropriated in this section,
23 40 there is transferred to the department of human rights
23 41 two hundred fifty thousand dollars for deposit in the
23 42 individual development account state match fund created
23 43 in section 541A.7. Notwithstanding other provisions to
23 44 the contrary in section 541A.3, subsection 1, moneys
23 45 appropriated to the individual development account
23 46 state match fund under this subsection ~~shall~~ may be
23 47 used to provide the state match to account holders
23 48 affected by a natural disaster occurring in 2008 for
23 49 which the president of the United States declared a
23 50 disaster area, and who have a household income that



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24 1 is equal to or less than three hundred percent of the
24 2 federal poverty level as defined by the most recently
24 3 revised poverty income guidelines published by the
24 4 United States department of health and human services.
24 5 Sec. 50. CODE EDITOR DIRECTIVE. The Code editor
24 6 is directed to change the words "state=owned" to
24 7 "state=assigned", to the extent not otherwise changed
24 8 pursuant to this Act, in Code sections 8A.362, 8A.363,
24 9 8A.364, and 8A.366.

24 10 Sec. 51. EFFECTIVE UPON ENACTMENT.

24 11 1. The section of this division of this Act
24 12 directing the department of administrative services
24 13 to disconnect electricity to the heated sidewalk
24 14 installed at the state capitol building, being deemed
24 15 of immediate importance, takes effect upon enactment.

24 16 2. The section of this division of this Act
24 17 amending 2009 Iowa Acts, chapter 169, section 4, in
24 18 relation to utilization of moneys appropriated to the
24 19 individual development account state match fund, being
24 20 deemed of immediate importance, takes effect upon
24 21 enactment.

24 22 3. The section of this Act relating to the
24 23 continuance of a chapter 28E agreement to conduct
24 24 inspections between a city with a specified population
24 25 and the department of inspections and appeals, being
24 26 deemed of immediate importance, takes effect upon
24 27 enactment.

24 28 DIVISION II

24 29 FY 2012=2013

24 30 Sec. 52. DEPARTMENT OF ADMINISTRATIVE SERVICES.

24 31 1. There is appropriated from the general fund of
24 32 the state to the department of administrative services
24 33 for the fiscal year beginning July 1, 2012, and ending
24 34 June 30, 2013, the following amounts, or so much
24 35 thereof as is necessary, to be used for the purposes
24 36 designated, and for not more than the following
24 37 full-time equivalent positions:

24 38 a. For salaries, support, maintenance, and
24 39 miscellaneous purposes:

24 40 \$ 2,105,160
24 41 FTEs 84.18

24 42 b. For the payment of utility costs:

24 43 \$ 1,369,730
24 44 FTEs 1.00

24 45 Notwithstanding section 8.33, any excess funds
24 46 appropriated for utility costs in this lettered
24 47 paragraph shall not revert to the general fund of the
24 48 state at the end of the fiscal year but shall remain
24 49 available for expenditure for the purposes of this
24 50 lettered paragraph during the succeeding fiscal year.



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25 1 c. For Terrace Hill operations:
25 2 \$ 202,957
25 3 FTEs 6.88
25 4 d. For the I3 distribution account:
25 5 \$ 1,664,000
25 6 e. For operations and maintenance of the Iowa
25 7 building:
25 8 \$ 509,093
25 9 FTEs 4.00
25 10 2. Members of the general assembly serving as
25 11 members of the deferred compensation advisory board
25 12 shall be entitled to receive per diem and necessary
25 13 travel and actual expenses pursuant to section 2.10,
25 14 subsection 5, while carrying out their official duties
25 15 as members of the board.
25 16 3. Any funds and premiums collected by the
25 17 department for workers' compensation shall be
25 18 segregated into a separate workers' compensation
25 19 fund in the state treasury to be used for payment of
25 20 state employees' workers' compensation claims and
25 21 administrative costs. Notwithstanding section 8.33,
25 22 unencumbered or unobligated moneys remaining in this
25 23 workers' compensation fund at the end of the fiscal
25 24 year shall not revert but shall be available for
25 25 expenditure for purposes of the fund for subsequent
25 26 fiscal years.
25 27 Sec. 53. REVOLVING FUNDS. There is appropriated
25 28 to the department of administrative services for the
25 29 fiscal year beginning July 1, 2012, and ending June
25 30 30, 2013, from the revolving funds designated in
25 31 chapter 8A and from internal service funds created
25 32 by the department such amounts as the department
25 33 deems necessary for the operation of the department
25 34 consistent with the requirements of chapter 8A.
25 35 Sec. 54. FUNDING FOR IOWACCESS.
25 36 1. Notwithstanding section 321A.3, subsection
25 37 1, for the fiscal year beginning July 1, 2012, and
25 38 ending June 30, 2013, the first \$750,000 collected
25 39 and transferred by the department of transportation
25 40 to the treasurer of state with respect to the fees
25 41 for transactions involving the furnishing of a
25 42 certified abstract of a vehicle operating record under
25 43 section 321A.3, subsection 1, shall be transferred
25 44 to the IowAccess revolving fund for the purposes of
25 45 developing, implementing, maintaining, and expanding
25 46 electronic access to government records as provided by
25 47 law.
25 48 2. All fees collected with respect to transactions
25 49 involving IowAccess shall be deposited in the IowAccess
25 50 revolving fund and shall be used only for the support



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26 1 of IowAccess projects.

26 2 Sec. 55. STATE EMPLOYEE HEALTH INSURANCE

26 3 ADMINISTRATION CHARGE. For the fiscal year beginning

26 4 July 1, 2012, and ending June 30, 2013, the monthly per

26 5 contract administrative charge which may be assessed by

26 6 the department of administrative services shall be \$2

26 7 per contract on all health insurance plans administered

26 8 by the department.

26 9 Sec. 56. AUDITOR OF STATE.

26 10 1. There is appropriated from the general fund of

26 11 the state to the office of the auditor of state for the

26 12 fiscal year beginning July 1, 2012, and ending June

26 13 30, 2013, subject to subsection 3 of this section, the

26 14 following amount, or so much thereof as is necessary,

26 15 to be used for the purposes designated, and for not

26 16 more than the following full-time equivalent positions:

26 17 For salaries, support, maintenance, and

26 18 miscellaneous purposes:

26 19	\$	407,461
26 20	FTEs	103.00

26 21 2. The auditor of state may retain additional

26 22 full-time equivalent positions as is reasonable and

26 23 necessary to perform governmental subdivision audits

26 24 which are reimbursable pursuant to section 11.20

26 25 or 11.21, to perform audits which are requested by

26 26 and reimbursable from the federal government, and

26 27 to perform work requested by and reimbursable from

26 28 departments or agencies pursuant to section 11.5A

26 29 or 11.5B. The auditor of state shall notify the

26 30 department of management, the legislative fiscal

26 31 committee, and the legislative services agency of the

26 32 additional full-time equivalent positions retained.

26 33 Sec. 57. IOWA ETHICS AND CAMPAIGN DISCLOSURE

26 34 BOARD. There is appropriated from the general fund of

26 35 the state to the Iowa ethics and campaign disclosure

26 36 board for the fiscal year beginning July 1, 2012, and

26 37 ending June 30, 2013, the following amount, or so much

26 38 thereof as is necessary, for the purposes designated:

26 39 For salaries, support, maintenance, and

26 40 miscellaneous purposes, and for not more than the

26 41 following full-time equivalent positions:

26 42	\$	262,500
26 43	FTEs	5.00

26 44 Sec. 58. DEPARTMENT OF COMMERCE.

26 45 1. There is appropriated from the general fund

26 46 of the state to the department of commerce for the

26 47 fiscal year beginning July 1, 2012, and ending June 30,

26 48 2013, the following amounts, or so much thereof as is

26 49 necessary, for the purposes designated:

26 50 a. ALCOHOLIC BEVERAGES DIVISION



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27 1 (1) For salaries, support, maintenance, and
27 2 miscellaneous purposes, and for not more than the
27 3 following full-time equivalent positions:
27 4 \$ 685,196
27 5 FTEs 23.00
27 6 (2) Two of the full-time equivalent positions
27 7 authorized pursuant to subparagraph (1) shall
27 8 be allocated for purposes associated with the
27 9 implementation of 2011 Iowa Acts, House File 617.
27 10 b. PROFESSIONAL LICENSING AND REGULATION BUREAU
27 11 For salaries, support, maintenance, and
27 12 miscellaneous purposes, and for not more than the
27 13 following full-time equivalent positions:
27 14 \$ 304,677
27 15 FTEs 12.00
27 16 2. There is appropriated from the department of
27 17 commerce revolving fund created in section 546.12
27 18 to the department of commerce for the fiscal year
27 19 beginning July 1, 2012, and ending June 30, 2013, the
27 20 following amounts, or so much thereof as is necessary,
27 21 for the purposes designated:
27 22 a. BANKING DIVISION
27 23 For salaries, support, maintenance, and
27 24 miscellaneous purposes, and for not more than the
27 25 following full-time equivalent positions:
27 26 \$ 4,425,835
27 27 FTEs 80.00
27 28 b. CREDIT UNION DIVISION
27 29 For salaries, support, maintenance, and
27 30 miscellaneous purposes, and for not more than the
27 31 following full-time equivalent positions:
27 32 \$ 863,998
27 33 FTEs 19.00
27 34 c. INSURANCE DIVISION
27 35 (1) For salaries, support, maintenance, and
27 36 miscellaneous purposes, and for not more than the
27 37 following full-time equivalent positions:
27 38 \$ 2,491,622
27 39 FTEs 106.50
27 40 (2) The insurance division may reallocate
27 41 authorized full-time equivalent positions as necessary
27 42 to respond to accreditation recommendations or
27 43 requirements. The insurance division expenditures
27 44 for examination purposes may exceed the projected
27 45 receipts, refunds, and reimbursements, estimated
27 46 pursuant to section 505.7, subsection 7, including the
27 47 expenditures for retention of additional personnel,
27 48 if the expenditures are fully reimbursable and the
27 49 division first does both of the following:
27 50 (a) Notifies the department of management, the



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28 1 legislative services agency, and the legislative fiscal
28 2 committee of the need for the expenditures.
28 3 (b) Files with each of the entities named in
28 4 subparagraph division (a) the legislative and
28 5 regulatory justification for the expenditures, along
28 6 with an estimate of the expenditures.
28 7 d. UTILITIES DIVISION
28 8 (1) For salaries, support, maintenance, and
28 9 miscellaneous purposes, and for not more than the
28 10 following full-time equivalent positions:
28 11 \$ 4,086,535
28 12 FTEs 79.00
28 13 (2) The utilities division may expend additional
28 14 funds, including funds for additional personnel, if
28 15 those additional expenditures are actual expenses which
28 16 exceed the funds budgeted for utility regulation and
28 17 the expenditures are fully reimbursable. Before the
28 18 division expends or encumbers an amount in excess of
28 19 the funds budgeted for regulation, the division shall
28 20 first do both of the following:
28 21 (a) Notify the department of management, the
28 22 legislative services agency, and the legislative fiscal
28 23 committee of the need for the expenditures.
28 24 (b) File with each of the entities named in
28 25 subparagraph division (a) the legislative and
28 26 regulatory justification for the expenditures, along
28 27 with an estimate of the expenditures.
28 28 (3) Notwithstanding sections 8.33 and 476.10 or
28 29 any other provisions to the contrary, any unencumbered
28 30 or unobligated balance of the appropriation made in
28 31 this paragraph for the utilities division or any other
28 32 operational appropriation made for the fiscal year
28 33 beginning July 1, 2012, and ending June 30, 2013,
28 34 that remains unused, unencumbered, or unobligated
28 35 at the close of the fiscal year shall not revert but
28 36 shall remain available to be used for purposes of the
28 37 energy-efficient building project authorized under
28 38 section 476.10B, or for relocation costs in succeeding
28 39 fiscal years.
28 40 3. CHARGES. Each division and the office of
28 41 consumer advocate shall include in its charges
28 42 assessed or revenues generated an amount sufficient
28 43 to cover the amount stated in its appropriation and
28 44 any state-assessed indirect costs determined by the
28 45 department of administrative services.
28 46 Sec. 59. DEPARTMENT OF COMMERCE ==== PROFESSIONAL
28 47 LICENSING AND REGULATION BUREAU. There is appropriated
28 48 from the housing trust fund of the Iowa finance
28 49 authority created in section 16.181, to the bureau of
28 50 professional licensing and regulation of the banking



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29 1 division of the department of commerce for the fiscal
29 2 year beginning July 1, 2012, and ending June 30,
29 3 2013, the following amount, or so much thereof as is
29 4 necessary, to be used for the purposes designated:
29 5 For salaries, support, maintenance, and
29 6 miscellaneous purposes:
29 7 \$ 31,159
29 8 Sec. 60. GOVERNOR AND LIEUTENANT GOVERNOR. There
29 9 is appropriated from the general fund of the state to
29 10 the offices of the governor and the lieutenant governor
29 11 for the fiscal year beginning July 1, 2012, and ending
29 12 June 30, 2013, the following amounts, or so much
29 13 thereof as is necessary, to be used for the purposes
29 14 designated:
29 15 1. GENERAL OFFICE
29 16 For salaries, support, maintenance, and
29 17 miscellaneous purposes for the general office of the
29 18 governor and the general office of the lieutenant
29 19 governor, and for not more than the following full=time
29 20 equivalent positions:
29 21 \$ 1,081,746
29 22 FTEs 21.00
29 23 2. TERRACE HILL QUARTERS
29 24 For salaries, support, maintenance, and
29 25 miscellaneous purposes for the governor's quarters
29 26 at Terrace Hill, and for not more than the following
29 27 full=time equivalent positions:
29 28 \$ 34,767
29 29 FTEs 0.88
29 30 Sec. 61. GOVERNOR'S OFFICE OF DRUG CONTROL
29 31 POLICY. There is appropriated from the general fund
29 32 of the state to the governor's office of drug control
29 33 policy for the fiscal year beginning July 1, 2012, and
29 34 ending June 30, 2013, the following amount, or so much
29 35 thereof as is necessary, to be used for the purposes
29 36 designated:
29 37 For salaries, support, maintenance, and
29 38 miscellaneous purposes, including statewide
29 39 coordination of the drug abuse resistance education
29 40 (D.A.R.E.) programs or similar programs, and for not
29 41 more than the following full=time equivalent positions:
29 42 \$ 163,022
29 43 FTEs 8.00
29 44 Sec. 62. DEPARTMENT OF HUMAN RIGHTS. There is
29 45 appropriated from the general fund of the state to
29 46 the department of human rights for the fiscal year
29 47 beginning July 1, 2012, and ending June 30, 2013, the
29 48 following amounts, or so much thereof as is necessary,
29 49 to be used for the purposes designated:
29 50 1. CENTRAL ADMINISTRATION DIVISION



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30	1	For salaries, support, maintenance, and		
30	2	miscellaneous purposes, and for not more than the		
30	3	following full-time equivalent positions:		
30	4	.....	\$	103,052
30	5	.....	FTEs	7.00
30	6	2. COMMUNITY ADVOCACY AND SERVICES DIVISION		
30	7	For salaries, support, maintenance, and		
30	8	miscellaneous purposes, and for not more than the		
30	9	following full-time equivalent positions:		
30	10	.....	\$	528,396
30	11	.....	FTEs	17.00
30	12	3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION		
30	13	For salaries, support, maintenance, and		
30	14	miscellaneous purposes, and for not more than the		
30	15	following full-time equivalent positions:		
30	16	.....	\$	536,946
30	17	.....	FTEs	10.00
30	18	The criminal and juvenile justice planning advisory		
30	19	council and the juvenile justice advisory council		
30	20	shall coordinate their efforts in carrying out their		
30	21	respective duties relative to juvenile justice.		
30	22	Sec. 63. DEPARTMENT OF INSPECTIONS AND		
30	23	APPEALS. There is appropriated from the general fund		
30	24	of the state to the department of inspections and		
30	25	appeals for the fiscal year beginning July 1, 2012, and		
30	26	ending June 30, 2013, the following amounts, or so much		
30	27	thereof as is necessary, for the purposes designated:		
30	28	1. ADMINISTRATION DIVISION		
30	29	For salaries, support, maintenance, and		
30	30	miscellaneous purposes, and for not more than the		
30	31	following full-time equivalent positions:		
30	32	.....	\$	805,531
30	33	.....	FTEs	37.40
30	34	2. ADMINISTRATIVE HEARINGS DIVISION		
30	35	For salaries, support, maintenance, and		
30	36	miscellaneous purposes, and for not more than the		
30	37	following full-time equivalent positions:		
30	38	.....	\$	276,987
30	39	.....	FTEs	23.00
30	40	3. INVESTIGATIONS DIVISION		
30	41	a. For salaries, support, maintenance, and		
30	42	miscellaneous purposes, and for not more than the		
30	43	following full-time equivalent positions:		
30	44	.....	\$	584,320
30	45	.....	FTEs	58.50
30	46	b. The department, in coordination with the		
30	47	investigations division, shall provide a report to		
30	48	the general assembly by January 10, 2013, concerning		
30	49	the fiscal impact of additional full-time equivalent		
30	50	positions on the department's efforts relative to the		



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31 1 Medicaid divestiture program under chapter 249F.
31 2 4. HEALTH FACILITIES DIVISION
31 3 a. For salaries, support, maintenance, and
31 4 miscellaneous purposes, and for not more than the
31 5 following full-time equivalent positions:
31 6 \$ 1,781,370
31 7 FTEs 134.75
31 8 b. The department shall, in coordination with
31 9 the health facilities division, make the following
31 10 information available to the public in a timely
31 11 manner, to include providing the information on the
31 12 department's internet website, during the fiscal year
31 13 beginning July 1, 2012, and ending June 30, 2013:
31 14 (1) The number of inspections conducted by the
31 15 division annually by type of service provider and type
31 16 of inspection.
31 17 (2) The total annual operations budget for the
31 18 division, including general fund appropriations and
31 19 federal contract dollars received by type of service
31 20 provider inspected.
31 21 (3) The total number of full-time equivalent
31 22 positions in the division, to include the number of
31 23 full-time equivalent positions serving in a supervisory
31 24 capacity, and serving as surveyors, inspectors, or
31 25 monitors in the field by type of service provider
31 26 inspected.
31 27 (4) Identification of state and federal survey
31 28 trends, cited regulations, the scope and severity of
31 29 deficiencies identified, and federal and state fines
31 30 assessed and collected concerning nursing and assisted
31 31 living facilities and programs.
31 32 c. It is the intent of the general assembly that
31 33 the department and division continuously solicit input
31 34 from facilities regulated by the division to assess and
31 35 improve the division's level of collaboration and to
31 36 identify new opportunities for cooperation.
31 37 5. EMPLOYMENT APPEAL BOARD
31 38 a. For salaries, support, maintenance, and
31 39 miscellaneous purposes, and for not more than the
31 40 following full-time equivalent positions:
31 41 \$ 21,108
31 42 FTEs 14.00
31 43 b. The employment appeal board shall be reimbursed
31 44 by the labor services division of the department
31 45 of workforce development for all costs associated
31 46 with hearings conducted under chapter 91C, related
31 47 to contractor registration. The board may expend,
31 48 in addition to the amount appropriated under this
31 49 subsection, additional amounts as are directly billable
31 50 to the labor services division under this subsection



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32 1 and to retain the additional full-time equivalent
32 2 positions as needed to conduct hearings required
32 3 pursuant to chapter 91C.
32 4 6. CHILD ADVOCACY BOARD
32 5 a. For foster care review and the court appointed
32 6 special advocate program, including salaries, support,
32 7 maintenance, and miscellaneous purposes, and for not
32 8 more than the following full-time equivalent positions:
32 9 \$ 1,397,237
32 10 FTEs 40.80
32 11 b. The department of human services, in
32 12 coordination with the child advocacy board and the
32 13 department of inspections and appeals, shall submit an
32 14 application for funding available pursuant to Tit. IV=E
32 15 of the federal Social Security Act for claims for child
32 16 advocacy board administrative review costs.
32 17 c. The court appointed special advocate program
32 18 shall investigate and develop opportunities for
32 19 expanding fund-raising for the program.
32 20 d. Administrative costs charged by the department
32 21 of inspections and appeals for items funded under this
32 22 subsection shall not exceed 4 percent of the amount
32 23 appropriated in this subsection.
32 24 Sec. 64. DEPARTMENT OF INSPECTIONS AND APPEALS
32 25 ==== MUNICIPAL CORPORATION FOOD INSPECTIONS. For the
32 26 fiscal year beginning July 1, 2012, and ending June 30,
32 27 2013, the department of inspections and appeals shall
32 28 retain any license fees generated during the fiscal
32 29 year as a result of actions under section 137F.3A
32 30 occurring during the period beginning July 1, 2009, and
32 31 ending June 30, 2011, for the purpose of enforcing the
32 32 provisions of chapters 137C, 137D, and 137F.
32 33 Sec. 65. DEPARTMENT OF INSPECTIONS AND APPEALS ====
32 34 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding
32 35 any provision of section 135C.16 to the contrary,
32 36 inspections of health care facilities that are only
32 37 state-licensed and not certified under the Medicare
32 38 or Medicaid programs shall not be inspected by the
32 39 department of inspections and appeals every thirty
32 40 months, but only as provided pursuant to sections
32 41 135C.9 and 135C.38.
32 42 Sec. 66. DEPARTMENT OF INSPECTIONS AND
32 43 APPEALS ==== GENERAL SUPPORT ==== MEDICAID FRAUD FUND
32 44 APPROPRIATION. There is appropriated from the Medicaid
32 45 fraud fund created in section 249A.7 to the department
32 46 of inspections and appeals for the fiscal year
32 47 beginning July 1, 2012, and ending June 30, 2013, the
32 48 following amount, or so much thereof as is necessary,
32 49 to be used for the purposes designated:
32 50 For additional health facility surveyors, compliance



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33 1 officers, and residential care facility surveyors:
33 2 \$ 325,000
33 3 Sec. 67. DEPARTMENT OF INSPECTIONS AND APPEALS
33 4 ==== STATE MATCH REQUIREMENTS ==== MEDICAID FRAUD FUND
33 5 APPROPRIATION. There is appropriated from the Medicaid
33 6 fraud fund created in section 249A.7 to the department
33 7 of inspections and appeals for the fiscal year
33 8 beginning July 1, 2012, and ending June 30, 2013, the
33 9 amounts necessary for the purposes designated:
33 10 1. To cover the cost of any state match to draw
33 11 down matching federal funds through the department of
33 12 human services for additional full-time equivalent
33 13 positions for conducting investigations of alleged
33 14 fraud and overpayments of food assistance benefits
33 15 through electronic benefits transfer.
33 16 2. For the state financial match requirement
33 17 for meeting the federal mandates connected with the
33 18 department's Medicaid fraud and abuse activities, and
33 19 the amount necessary to cover costs incurred by the
33 20 department or other agencies in providing regulation,
33 21 responding to allegations, or other activity involving
33 22 chapter 1350.
33 23 Sec. 68. DEPARTMENT OF INSPECTIONS AND APPEALS
33 24 ==== LEGISLATIVE IMPLEMENTATION ==== MEDICAID FRAUD FUND
33 25 APPROPRIATION. There is appropriated from the Medicaid
33 26 fraud fund created in section 249A.7 to the department
33 27 of inspections and appeals for the fiscal year
33 28 beginning July 1, 2012, and ending June 30, 2013, the
33 29 following amount, or so much thereof as is necessary,
33 30 to be used for the purposes designated:
33 31 For salaries, support, maintenance, miscellaneous
33 32 purposes, administration, and other costs associated
33 33 with implementation of 2010 Iowa Acts, chapter 1177:
33 34 \$ 125,000
33 35 Sec. 69. RACING AND GAMING COMMISSION.
33 36 1. RACETRACK REGULATION
33 37 There is appropriated from the gaming regulatory
33 38 revolving fund established in section 99F.20 to the
33 39 racing and gaming commission of the department of
33 40 inspections and appeals for the fiscal year beginning
33 41 July 1, 2012, and ending June 30, 2013, the following
33 42 amount, or so much thereof as is necessary, to be used
33 43 for the purposes designated:
33 44 For salaries, support, maintenance, and
33 45 miscellaneous purposes for the regulation of
33 46 pari-mutuel racetracks, and for not more than the
33 47 following full-time equivalent positions:
33 48 \$ 1,255,720
33 49 FTEs 28.53
33 50 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION



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34 1 There is appropriated from the gaming regulatory
34 2 revolving fund established in section 99F.20 to the
34 3 racing and gaming commission of the department of
34 4 inspections and appeals for the fiscal year beginning
34 5 July 1, 2012, and ending June 30, 2013, the following
34 6 amount, or so much thereof as is necessary, to be used
34 7 for the purposes designated:
34 8 For salaries, support, maintenance, and
34 9 miscellaneous purposes for administration and
34 10 enforcement of the excursion boat gambling and gambling
34 11 structure laws, and for not more than the following
34 12 full-time equivalent positions:
34 13 \$ 1,539,050
34 14 FTEs 44.22
34 15 Sec. 70. ROAD USE TAX FUND APPROPRIATION ====

34 16 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
34 17 appropriated from the road use tax fund created in
34 18 section 312.1 to the administrative hearings division
34 19 of the department of inspections and appeals for the
34 20 fiscal year beginning July 1, 2012, and ending June 30,
34 21 2013, the following amount, or so much thereof as is
34 22 necessary, for the purposes designated:
34 23 For salaries, support, maintenance, and
34 24 miscellaneous purposes:
34 25 \$ 811,949

34 26 Sec. 71. DEPARTMENT OF MANAGEMENT.

34 27 1. There is appropriated from the general fund
34 28 of the state to the department of management for the
34 29 fiscal year beginning July 1, 2012, and ending June 30,
34 30 2013, the following amounts, or so much thereof as is
34 31 necessary, to be used for the purposes designated:
34 32 For salaries, support, maintenance, and
34 33 miscellaneous purposes, and for not more than the
34 34 following full-time equivalent positions:
34 35 \$ 1,081,999
34 36 FTEs 25.00

34 37 2. Of the moneys appropriated in this section, the
34 38 department shall use a portion for enterprise resource
34 39 planning, providing for a salary model administrator,
34 40 conducting performance audits, and for the department's
34 41 LEAN process.

34 42 Sec. 72. ROAD USE TAX APPROPRIATION ==== DEPARTMENT
34 43 OF MANAGEMENT. There is appropriated from the road use
34 44 tax fund created in section 312.1 to the department
34 45 of management for the fiscal year beginning July 1,
34 46 2012, and ending June 30, 2013, the following amount,
34 47 or so much thereof as is necessary, to be used for the
34 48 purposes designated:
34 49 For salaries, support, maintenance, and
34 50 miscellaneous purposes:



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35 1 \$ 28,000
35 2 Sec. 73. DEPARTMENT OF REVENUE.
35 3 1. There is appropriated from the general fund
35 4 of the state to the department of revenue for the
35 5 fiscal year beginning July 1, 2012, and ending June 30,
35 6 2013, the following amounts, or so much thereof as is
35 7 necessary, to be used for the purposes designated:
35 8 For salaries, support, maintenance, and
35 9 miscellaneous purposes, and for not more than the
35 10 following full-time equivalent positions:
35 11 \$ 8,902,730
35 12 FTEs 303.48
35 13 2. Of the funds appropriated pursuant to this
35 14 section, \$400,000 shall be used to pay the direct
35 15 costs of compliance related to the collection and
35 16 distribution of local sales and services taxes imposed
35 17 pursuant to chapters 423B and 423E.
35 18 3. The director of revenue shall prepare and issue
35 19 a state appraisal manual and the revisions to the
35 20 state appraisal manual as provided in section 421.17,
35 21 subsection 17, without cost to a city or county.
35 22 Sec. 74. MOTOR VEHICLE FUEL TAX
35 23 APPROPRIATION. There is appropriated from the motor
35 24 fuel tax fund created by section 452A.77 to the
35 25 department of revenue for the fiscal year beginning
35 26 July 1, 2012, and ending June 30, 2013, the following
35 27 amount, or so much thereof as is necessary, to be used
35 28 for the purposes designated:
35 29 For salaries, support, maintenance, miscellaneous
35 30 purposes, and for administration and enforcement of the
35 31 provisions of chapter 452A and the motor vehicle use
35 32 tax program:
35 33 \$ 652,888
35 34 Sec. 75. SECRETARY OF STATE.
35 35 1. There is appropriated from the general fund of
35 36 the state to the office of the secretary of state for
35 37 the fiscal year beginning July 1, 2012, and ending June
35 38 30, 2013, the following amounts, or so much thereof as
35 39 is necessary, to be used for the purposes designated:
35 40 For salaries, support, maintenance, and miscellaneous
35 41 purposes, and for not more than the following full-time
35 42 equivalent positions:
35 43 \$ 1,447,793
35 44 FTEs 45.00
35 45 2. The state department or state agency which
35 46 provides data processing services to support voter
35 47 registration file maintenance and storage shall provide
35 48 those services without charge.
35 49 Sec. 76. SECRETARY OF STATE FILING FEES REFUND.
35 50 Notwithstanding the obligation to collect fees pursuant



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House Amendment 1682 continued

36 1 to the provisions of section 490.122, subsection 1,
36 2 paragraphs "a" and "s", and section 504.113, subsection
36 3 1, paragraphs "a", "c", "d", "j", "k", "l", and
36 4 "m", for the fiscal year beginning July 1, 2012, the
36 5 secretary of state may refund these fees to the filer
36 6 pursuant to rules established by the secretary of
36 7 state. The decision of the secretary of state not to
36 8 issue a refund under rules established by the secretary
36 9 of state is final and not subject to review pursuant
36 10 to chapter 17A.

36 11 Sec. 77. TREASURER.

36 12 1. There is appropriated from the general fund of
36 13 the state to the office of treasurer of state for the
36 14 fiscal year beginning July 1, 2012, and ending June 30,
36 15 2013, the following amount, or so much thereof as is
36 16 necessary, to be used for the purposes designated:

36 17 For salaries, support, maintenance, and
36 18 miscellaneous purposes, and for not more than the
36 19 following full-time equivalent positions:

36 20	\$	427,145
36 21	FTEs	28.80

36 22 2. The office of treasurer of state shall supply
36 23 clerical and secretarial support for the executive
36 24 council.

36 25 Sec. 78. ROAD USE TAX APPROPRIATION ==== OFFICE
36 26 OF TREASURER OF STATE. There is appropriated from
36 27 the road use tax fund created in section 312.1 to
36 28 the office of treasurer of state for the fiscal year
36 29 beginning July 1, 2012, and ending June 30, 2013, the
36 30 following amount, or so much thereof as is necessary,
36 31 to be used for the purposes designated:

36 32 For enterprise resource management costs related to
36 33 the distribution of road use tax funds:

36 34	\$	46,574
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36 35 Sec. 79. IPERS ==== GENERAL OFFICE. There is
36 36 appropriated from the Iowa public employees' retirement
36 37 system fund to the Iowa public employees' retirement
36 38 system for the fiscal year beginning July 1, 2012, and
36 39 ending June 30, 2013, the following amount, or so much
36 40 thereof as is necessary, to be used for the purposes
36 41 designated:

36 42 For salaries, support, maintenance, and other
36 43 operational purposes to pay the costs of the Iowa
36 44 public employees' retirement system, and for not more
36 45 than the following full-time equivalent positions:

36 46	\$	8,843,484
36 47	FTEs	90.13

HF646.2765.S (1) 84
jh



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House Amendment 1683

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1 1 Amend the House amendment, S=3220, to Senate File
1 2 511, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 2, by striking lines 4 through 9 and
1 5 inserting:
1 6 <____. It is the intent of the general assembly that
1 7 the offices of the clerks of the district court operate
1 8 in all 99 counties and be accessible to the public as
1 9 much as is reasonably possible in order to address the
1 10 relative needs of the citizens of each county.>
1 11 #2. Page 4, line 22, by striking <157,311,822> and
1 12 inserting <77,055,911>
1 13 #3. Page 4, line 28, by striking <2,300,000> and
1 14 inserting <1,150,000>
1 15 #4. By striking page 4, line 49, through page 5,
1 16 line 4, and inserting:
1 17 <____. It is the intent of the general assembly that
1 18 the offices of the clerks of the district court operate
1 19 in all 99 counties and be accessible to the public as
1 20 much as is reasonably possible in order to address the
1 21 relative needs of the citizens of each county.>
1 22 #5. By renumbering as necessary.
S3220.2768.S (2) 84
jh



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House File 688 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HSB 234)

A BILL FOR

1 An Act relating to tax credits for investment in certain
2 qualifying businesses or community-based seed capital funds
3 and including retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2759HV (2) 84
tw/sc



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House File 688 - Introduced continued

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1 1 Section 1. Section 15.119, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. The department, with the approval of the board, shall
1 4 adopt by rule a procedure for allocating the aggregate tax
1 5 credit limit established in this section among the following
1 6 programs ~~administered by the department~~:
1 7 a. The high quality job creation program administered
1 8 pursuant to sections 15.326 through 15.336.
1 9 b. The film, television, and video project promotion program
1 10 administered pursuant to sections 15.391 through 15.393.
1 11 c. The corporate tax research credit under the quality jobs
1 12 enterprise zone program pursuant to section 15A.9, subsection
1 13 8.
1 14 d. The enterprise zones program administered pursuant to
1 15 sections 15E.191 through 15E.197.
1 16 e. The assistive device tax credit program administered
1 17 pursuant to section 422.11E and section 422.33, subsection 9.
1 18 f. The tax credits for investments in qualifying businesses
1 19 and community-based seed capital funds issued by the capital
1 20 investment board pursuant to section 15E.43. In allocating
1 21 tax credits pursuant to this subsection, the department shall
1 22 allocate two million dollars for purposes of this paragraph.
1 23 Sec. 2. Section 15E.43, subsection 4, Code 2011, is amended
1 24 by striking the subsection and inserting in lieu thereof the
1 25 following:
1 26 4. The board shall not issue tax credits under this section
1 27 in excess of the amount approved by the department for any one
1 28 fiscal year pursuant to section 15.119.
1 29 Sec. 3. Section 15E.44, subsection 2, paragraphs d and e,
1 30 Code 2011, are amended to read as follows:
1 31 d. The business is not a business engaged primarily in
1 32 retail sales, real estate, or the provision of health care
1 33 or other ~~professional~~ services that require a professional
1 34 license.
1 35 e. The business shall not have a net worth that exceeds ~~ten~~



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~~House File 688 - Introduced continued~~

~~2 1~~ five million dollars.

2 2 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
2 3 retroactively to January 1, 2011, for tax years beginning and
2 4 investments made on or after that date.

2 5 EXPLANATION

2 6 This bill makes changes to the administration of the tax
2 7 credits available for investments in qualifying businesses and
2 8 community-based seed capital funds.

2 9 Current law limits the maximum aggregate amount of such tax
2 10 credits that may be issued to a total of \$10 million. The
2 11 bill eliminates the existing limitation, places the credits
2 12 under the department of economic development's annual aggregate
2 13 tax credit limitation in Code section 15.119, and directs the
2 14 department to allocate \$2 million of that limit for purposes of
2 15 such credits.

2 16 The bill also changes the eligibility of certain qualifying
2 17 businesses. Currently, to be eligible for the tax credits, a
2 18 business must not be engaged primarily in "other professional
2 19 services" and must not have a net worth in excess of \$10
2 20 million. The bill requires instead that a business not
2 21 be engaged primarily in "other services that require a
2 22 professional license" and reduces the net worth ceiling to \$5
2 23 million.

2 24 The bill applies retroactively to January 1, 2011, for tax
2 25 years beginning and investments made on or after that date.

LSB 2759HV (2) 84

tw/sc



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House File 689 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HF 626)
(SUCCESSOR TO HSB 83)

A BILL FOR

1 An Act relating to mental health and disability services and
2 substance-related disorders and mental illness commitment
3 proceedings, making appropriations, and including effective
4 date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2002HZ (3) 84
jp/rj



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House File 689 - Introduced continued

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1 1 DIVISION I
1 2 SERVICES SYSTEM REDESIGN ==== FUNDING
1 3 Section 1. MENTAL HEALTH SERVICES SYSTEM REDESIGN.
1 4 1. The general assembly intends to implement service system
1 5 redesign for mental health services in which the department
1 6 of human services assumes responsibility for administering
1 7 publicly funded mental health services for children and adults
1 8 beginning on July 1, 2012.
1 9 2. The legislative council is requested to authorize
1 10 a legislative interim committee to meet during the 2011
1 11 legislative interim to develop a plan for implementing the
1 12 redesigned mental health services system for children and
1 13 adults. The plan shall be submitted to the general assembly
1 14 for consideration and enactment in the 2012 legislative
1 15 session. The plan shall include but is not limited to all of
1 16 the following:
1 17 a. Identifying clear definitions and requirements for the
1 18 following:
1 19 (1) Characteristics of the service populations.
1 20 (2) The array of core services to be delivered by providers
1 21 in a manner that promotes cost=effectiveness, uniformity,
1 22 accessibility, and best practices approaches.
1 23 (3) Outcome measures that focus on consumer needs.
1 24 (4) Quality assurance measures.
1 25 (5) Provider accreditation, certification, or licensure
1 26 requirements.
1 27 b. A proposal for developing treatment services in this
1 28 state to meet the needs of children who are placed out of state
1 29 due to the lack of treatment services in this state.
1 30 c. A proposal for implementing the delivery of regionally
1 31 coordinated and community=based information and referral,
1 32 options counseling, care coordination, and targeted case
1 33 management services.
1 34 Sec. 2. DEPARTMENTS OF HUMAN SERVICES AND PUBLIC HEALTH.
1 35 1. The departments of human services and public health



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2 1 shall work with appropriate stakeholders designated by the
2 2 departments to develop the proposals described in subsection 2.
2 3 Progress on the proposals shall be shared with the legislative
2 4 interim committee authorized pursuant to this division of this
2 5 Act and a final report on the proposals shall be submitted to
2 6 the governor and general assembly on or before December 15,
2 7 2011.

2 8 2. The departments shall develop the following proposals:
2 9 a. A proposal to emphasize service providers addressing
2 10 co=occurring mental health and substance abuse disorders.
2 11 b. A proposal to address service provider shortages. In
2 12 developing the proposal, the departments and appropriate
2 13 stakeholders shall examine barriers to recruiting providers,
2 14 including but not limited to variation in health insurance
2 15 payment provisions for the services provided by different types
2 16 of providers.

2 17 Sec. 3. INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITY AND
2 18 BRAIN INJURY SERVICES SYSTEM REDESIGN.

2 19 1. In addition to mental health services, the general
2 20 assembly intends to implement service system redesign in which
2 21 the department of human services assumes responsibility for
2 22 the administration of intellectual and other developmental
2 23 disability and brain injury services for adults and children at
2 24 a later time.

2 25 2. The legislative council is requested to extend the
2 26 interim committee authorized pursuant to this division of
2 27 this Act for the 2011 legislative interim or authorize a
2 28 different legislative interim committee to meet during the
2 29 2012 legislative interim to develop a plan for implementing
2 30 the redesigned disability services system for adults and
2 31 children. The plan shall be submitted to the general assembly
2 32 for consideration and enactment in the 2013 legislative
2 33 session. The plan shall include but is not limited to all of
2 34 the following:
2 35 a. Identifying clear definitions and requirements for the



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3 1 following:

3 2 (1) Characteristics of the service populations.

3 3 (2) The array of core services to be delivered by providers
3 4 in a manner that promotes cost=effectiveness, accessibility,
3 5 and the best practices approaches.

3 6 (3) Outcome measures.

3 7 (4) Quality assurance measures.

3 8 (5) Provider accreditation, certification, or licensure
3 9 requirements.

3 10 b. A proposal developed in conjunction with the department
3 11 of public health to emphasize service providers addressing
3 12 co=occurring mental health, intellectual disability, or
3 13 substance abuse disorders.

3 14 c. A proposal for implementing the delivery of regionally
3 15 coordinated and community=based information and referral,
3 16 options counseling, care coordination, and targeted case
3 17 management services.

3 18 Sec. 4. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH
3 19 AND DEPARTMENT OF HUMAN SERVICES. The judicial branch and
3 20 department of human services shall continue the workgroup
3 21 implemented pursuant to 2010 Iowa Acts, chapter 1192, section
3 22 24, subsection 2, to improve the processes for involuntary
3 23 commitment for chronic substance abuse under chapter 125 and
3 24 serious mental illness under chapter 229. The recommendations
3 25 issued by the workgroup shall address options to the current
3 26 provision of transportation by the county sheriff; to the role,
3 27 supervision, and funding of mental health patient advocates;
3 28 and for civil commitment prescreening. Additional stakeholders
3 29 shall be added as necessary to facilitate the workgroup
3 30 efforts. the workgroup shall complete deliberations and submit
3 31 a final report providing findings and recommendations on or
3 32 before December 15, 2011.

3 33 Sec. 5. SERVICE SYSTEM DATA AND STATISTICAL INFORMATION
3 34 INTEGRATION. The department of human services, department of
3 35 public health, and the community services affiliate of the Iowa



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4 1 state association of counties shall agree on implementation
4 2 provisions for an integrated data and statistical information
4 3 system for mental health, disability services, and substance
4 4 abuse services. The departments and affiliate shall report on
4 5 the integrated system to the governor, the joint appropriations
4 6 subcommittee on health and human services, and the legislative
4 7 services agency, providing findings and recommendations, on or
4 8 before December 15, 2011.

4 9 Sec. 6. NEW SECTION. 225C.7A Disability services system
4 10 redesign savings fund.

4 11 1. A disability services system redesign savings fund
4 12 is created in the state treasury under the authority of the
4 13 department. Moneys credited to the fund are not subject to
4 14 section 8.33. Moneys available in the fund for a fiscal
4 15 year shall be used in accordance with appropriations made by
4 16 the general assembly to implement disability services system
4 17 improvements.

4 18 2. Notwithstanding section 8.33, appropriations made to the
4 19 department for disabilities services that remain unencumbered
4 20 or unobligated at the close of the fiscal year as a result of
4 21 implementation of disabilities services system efficiencies
4 22 shall not revert but shall be credited to the disability
4 23 services system redesign savings fund.

4 24 DIVISION II

4 25 APPROPRIATIONS AND CONFORMING PROVISIONS

4 26 Sec. 7. CONFORMING PROVISIONS. The legislative services
4 27 agency shall prepare a study bill for consideration by the
4 28 committees on human resources of the senate and house of
4 29 representatives for the 2012 legislative session, providing any
4 30 necessary conforming Code changes for implementation of the
4 31 system redesign provisions contained in this Act.

4 32 Sec. 8. PROPERTY TAX RELIEF FUND ==== MENTAL HEALTH AND
4 33 INTELLECTUAL AND OTHER DEVELOPMENTAL DISABILITIES SERVICES
4 34 SYSTEM REFORM.

4 35 1. The moneys appropriated and credited to the property



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5 1 tax relief fund pursuant to 2011 Iowa Acts, Senate File 209,
5 2 section 21, if enacted, shall be credited to the risk pool
5 3 within the property tax relief fund, to be distributed as
5 4 provided in this section.
5 5 2. The amount credited to the risk pool pursuant to this
5 6 section is appropriated from the risk pool to the department of
5 7 human services for distribution as provided in this section.
5 8 3. a. For the purposes of this section, "services fund"
5 9 means a county's mental health, mental retardation, and
5 10 developmental disabilities services fund created in section
5 11 331.424A.
5 12 b. The risk pool board shall implement a process for
5 13 distribution of the amount appropriated in this section to
5 14 counties to be used to provide eligibility for services and
5 15 other support payable from the counties' services funds for
5 16 persons who are eligible under county management plans in
5 17 effect as of December 31, 2010, but due to insufficient funding
5 18 are on a waiting list for the services and other support. The
5 19 period addressed by the funding appropriated in this section
5 20 begins on or after the effective date of this section and ends
5 21 June 30, 2012. The distribution allocations shall be completed
5 22 on or before July 1, 2011.
5 23 c. The general assembly finds that as of the time of
5 24 enactment of this section, the funding appropriated in this
5 25 section is sufficient to eliminate the need for continuing,
5 26 instituting, or reinstituting waiting lists during the
5 27 period addressed by the appropriation. However, the process
5 28 implemented by the risk pool board shall ensure there is
5 29 adequate funding so that a person made eligible for services
5 30 and other support from the waiting list would not be required
5 31 to return to the waiting list if a later projection indicates
5 32 the funding is insufficient to cover for the entire period all
5 33 individuals removed from the waiting list pursuant to this
5 34 section.
5 35 d. The funding provided in this section is intended to



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6 1 provide necessary services for adults in need of publicly
6 2 funded mental health and intellectual and other developmental
6 3 disabilities services until the system reform provisions
6 4 addressed by this Act are developed and enacted.

6 5 Sec. 9. IMPLEMENTATION. There is appropriated from the
6 6 general fund of the state to the department of human services
6 7 for the fiscal year beginning July 1, 2011, and ending June 30,
6 8 2012, the following amount, or so much thereof as is necessary,
6 9 to be used for the purposes designated:

6 10 For costs associated with implementation of this Act:
6 11 \$ 50,000

6 12 Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this
6 13 Act, being deemed of immediate importance, takes effect upon
6 14 enactment.

6 15 DIVISION III

6 16 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

6 17 Sec. 11. Section 135H.3, subsection 1, Code 2011, is amended
6 18 to read as follows:

6 19 1. A psychiatric medical institution for children shall
6 20 utilize a team of professionals to direct an organized program
6 21 of diagnostic services, psychiatric services, nursing care,
6 22 and rehabilitative services to meet the needs of residents
6 23 in accordance with a medical care plan developed for each
6 24 resident. The membership of the team of professionals may
6 25 include but is not limited to an advanced registered nurse
6 26 practitioner. Social and rehabilitative services shall be
6 27 provided under the direction of a qualified mental health
6 28 professional.

6 29 Sec. 12. Section 135H.6, subsection 8, Code 2011, is amended
6 30 to read as follows:

6 31 8. The department of human services may give approval to
6 32 conversion of beds approved under subsection 6, to beds which
6 33 are specialized to provide substance abuse treatment. However,
6 34 the total number of beds approved under subsection 6 and this
6 35 subsection shall not exceed four hundred thirty. Conversion



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7 1 of beds under this subsection shall not require a revision of
7 2 the certificate of need issued for the psychiatric institution
7 3 making the conversion. Beds for children who do not reside
7 4 in this state and whose service costs are not paid by public
7 5 funds in this state are not subject to the limitations on the
7 6 number of beds and certificate of need requirements otherwise
7 7 applicable under this section.

7 8 Sec. 13. Section 249A.31, subsection 2, Code 2011, is
7 9 amended to read as follows:

7 10 2. Effective July 1, 2010 2012, ~~the department shall apply~~
7 11 ~~a cost-based reimbursement methodology for reimbursement~~
7 12 ~~of services provided by psychiatric medical institution~~
7 13 for children providers shall be reimbursed as determined
7 14 in accordance with the managed care contract awarded for
7 15 authorizing payment for such services under the medical
7 16 assistance program.

7 17 Sec. 14. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN
7 18 ==== MANAGED CARE CONTRACT. The department of human services
7 19 shall issue a request for proposals to procure a contractor
7 20 to authorize, reimburse, and manage benefits for psychiatric
7 21 medical institution for children services reimbursed under
7 22 the medical assistance program beginning July 1, 2012. The
7 23 department shall not procure this contract through a sole
7 24 source contract process or other limited selection process.

7 25 Sec. 15. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN ====

7 26 LEVEL 2.
7 27 1. For the purposes of this section, unless the context
7 28 otherwise requires:

7 29 a. "Psychiatric institution=level 1" means a psychiatric
7 30 medical institution for children licensed under chapter 135H
7 31 and receiving medical assistance program reimbursement.

7 32 b. "Psychiatric institution=level 2" means a psychiatric
7 33 medical institution for children licensed under chapter
7 34 135H and receiving medical assistance program reimbursement
7 35 and providing more intensive treatment as described in this



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8 1 section.

8 2 2. The department of human services shall work with the
8 3 department of inspections and appeals to develop a second level
8 4 of care for psychiatric medical institutions for children
8 5 licensed under chapter 135H, to be known as "psychiatric
8 6 institution=level 2" to address the needs of children in need
8 7 of more intensive treatment. The number of beds authorized for
8 8 psychiatric institution=level 2 shall not exceed 60 beds. The
8 9 number of beds in a level 2 program shall be limited to 12 beds.

8 10 3. The department of human services shall select providers
8 11 to be authorized to provide psychiatric institution=level 2
8 12 beds using a request=for=proposal process. The providers shall
8 13 be selected and contracts finalized on or before January 1,
8 14 2012. At least three but not more than five providers shall be
8 15 selected based upon the following criteria:

8 16 a. Geographic accessibility.

8 17 b. Ability to provide needed expertise, including but not
8 18 limited to psychiatry, nursing, specialized medical care, or
8 19 specialized programming.

8 20 c. Ability to meet and report on standardized outcome
8 21 measures.

8 22 d. Ability to provide treatment to children whose treatment
8 23 needs have resulted in an out=of=state placement.

8 24 e. Ability to transition children from psychiatric
8 25 institution=level 2 care to psychiatric institution=level 1
8 26 care.

8 27 4. a. Notwithstanding any provision of law to the contrary,
8 28 for the fiscal year beginning July 1, 2011, the reimbursement
8 29 rate for psychiatric institution=level 1 providers shall be the
8 30 actual cost of care, not to exceed 103 percent of the statewide
8 31 average of the costs of psychiatric institution=level 1
8 32 providers for the fiscal year. The costs shall not incorporate
8 33 the uniform 5 percent reduction applied to such provider rates
8 34 in fiscal year 2010=2011. It is the intent of the general
8 35 assembly that such reimbursement rates in subsequent years be



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9 1 recalculated annually at the beginning of the fiscal year.
9 2 The average of the costs limitation shall not apply to the
9 3 psychiatric medical institution for children located at the
9 4 state mental health institute at Independence.
9 5 b. Notwithstanding any provision of law to the contrary,
9 6 for the fiscal year beginning July 1, 2011, the initial
9 7 reimbursement rate for psychiatric institution=level 2
9 8 providers shall be based on a prospective cost of care basis,
9 9 not to exceed the actual cost of care for the psychiatric
9 10 medical institution for children located at the state mental
9 11 health institute at Independence. In subsequent years, it
9 12 is the intent of the general assembly that the reimbursement
9 13 rate for psychiatric institution=level 2 providers be the
9 14 actual cost of care, not to exceed 103 percent of the statewide
9 15 average of the costs of psychiatric institution=level 2
9 16 providers for the fiscal year.
9 17 5. The department of human services shall create an
9 18 oversight committee comprised of psychiatric institution=level
9 19 2 providers and representatives of other mental health
9 20 organizations with expertise in children's mental health
9 21 treatment to address the following issues concerning
9 22 psychiatric institution=level 2 providers and report to the
9 23 department, governor, and general assembly as needed:
9 24 a. Identifying the target population to be served by
9 25 providers.
9 26 b. Identifying admission and continued state criteria for
9 27 the providers.
9 28 c. Reviewing potential changes in licensing standards
9 29 for psychiatric institution=level 1 providers in order to
9 30 accommodate the higher acuity level and increased treatment
9 31 needs of children to be served by psychiatric institution=level
9 32 2 providers.
9 33 d. Reviewing the children in out-of-state placements with
9 34 providers similar to psychiatric medical institutions for
9 35 children to determine which children could be better served in



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10 1 this state by a psychiatric institution=level 2 provider.
10 2 6. The department of human services shall annually report
10 3 not later than December 15 to the chairpersons and ranking
10 4 members of the joint appropriations subcommittee on health
10 5 and human services through 2016 regarding implementation of
10 6 this section. The report shall include but is not limited
10 7 to information on children served by both level 1 and level
10 8 2 providers, the types of locations to which children are
10 9 discharged after level 1 and level 2 treatment and the
10 10 community=based services available to such children, and the
10 11 incidence of readmission for level 1 and level 2 treatment
10 12 within 12 months of discharge.

10 13 DIVISION IV

10 14 MEDICATION THERAPY MANAGEMENT

10 15 Sec. 16. NEW SECTION. 249A.20B Medication therapy
10 16 management.

10 17 1. Beginning July 1, 2011, the department shall utilize a
10 18 request for proposals process to select an entity to contract
10 19 beginning July 1, 2012, for the provision of medication therapy
10 20 management for any medical assistance program recipient who
10 21 meets any of the following criteria:

10 22 a. Is an individual who takes prescription drugs to treat or
10 23 prevent chronic mental illness, or is an individual who takes
10 24 four or more prescription drugs to treat or prevent two or more
10 25 chronic medical conditions.

10 26 b. Is an individual with a prescription drug therapy
10 27 problem who is identified by the prescribing physician or
10 28 other appropriate prescriber, and referred to a pharmacist for
10 29 medication therapy management services.

10 30 c. Is an individual who meets other criteria established by
10 31 the department.

10 32 2. For the initial contract period beginning July 1, 2012,
10 33 the primary focus shall be provision of medication therapy
10 34 management services to individuals with chronic mental illness.

10 35 3. a. The contract shall require the selected entity



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11 1 to provide annual reports to the general assembly detailing
11 2 the costs, savings, estimated cost avoidance and return on
11 3 investment, and patient outcomes related to the medication
11 4 therapy management services provided.
11 5 b. The entity shall guarantee demonstrated annual savings,
11 6 including any savings associated with cost avoidance at least
11 7 equal to the medication therapy management services program's
11 8 costs with any shortfall amount refunded to the state.
11 9 c. As a proof of concept in the program for the initial year
11 10 of the contract, the entity shall offer a dollar=for=dollar
11 11 guarantee for drug product costs savings alone.
11 12 d. Prior to entering into a contract with an entity, the
11 13 department and the entity shall agree on the terms, conditions,
11 14 and applicable measurement standards associated with the
11 15 demonstration of savings. The department shall verify that the
11 16 demonstrated savings reported by the entity was performed in
11 17 accordance with the agreed upon measurement standards.
11 18 e. The entity shall contract with Iowa licensed pharmacies,
11 19 pharmacists, or physicians to provide the medication therapy
11 20 management services.
11 21 4. The fees for pharmacist=delivered medication therapy
11 22 management services shall be separate from the reimbursement
11 23 for prescription drug product or dispensing services; shall
11 24 be determined under the terms of the contract; and must be
11 25 reasonable based on the resources and time required to provide
11 26 the services.
11 27 5. A fee shall be established for physician reimbursement
11 28 for services delivered for medication therapy management
11 29 as determined under the terms of the contract, and must be
11 30 reasonable based on the resources and time required to provide
11 31 the services.
11 32 6. If any part of the medication therapy management
11 33 plan developed by a pharmacist incorporates services which
11 34 are outside the pharmacist's independent scope of practice,
11 35 including the initiation of therapy, modification of dosages,



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12 1 therapeutic interchange, or changes in drug therapy, the
12 2 express authorization of the individual's physician or other
12 3 appropriate prescriber is required.
12 4 7. For the purposes of this section, "medication therapy
12 5 management" means a systematic process performed by a licensed
12 6 pharmacist, designed to optimize therapeutic outcomes through
12 7 improved medication use and reduced risk of adverse drug events
12 8 in order to reduce overall health care costs, including all of
12 9 the following services:
12 10 a. A medication therapy review and in-person consultation
12 11 relating to all medications, vitamins, and herbal supplements
12 12 currently being taken by an eligible individual.
12 13 b. A medication action plan, subject to the limitations
12 14 specified in this section, communicated to the individual and
12 15 the individual's primary care physician or other appropriate
12 16 prescriber to address safety issues, inconsistencies,
12 17 duplicative therapy, omissions, and medication costs. The
12 18 medication action plan may include recommendations to the
12 19 prescriber for changes in drug therapy.
12 20 c. Documentation and followup to ensure consistent levels of
12 21 pharmacy services and positive outcomes.
12 22 Sec. 17. EFFECTIVE UPON ENACTMENT. This division of this
12 23 Act, being deemed of immediate importance, takes effect upon
12 24 enactment.

12 25 DIVISION V

12 26 COMMUNITY MENTAL HEALTH CENTERS

12 27 COMMUNITY MENTAL HEALTH CENTERS ==== CATCHMENT AREAS

12 28 Sec. 18. NEW SECTION. 230A.101 Services system roles.
12 29 1. The role of the department of human services, through
12 30 the division of the department designated as the state
12 31 mental health authority with responsibility for state policy
12 32 concerning mental health and disability services, is to develop
12 33 and maintain policies for the mental health and disability
12 34 services system. The policies shall address the service needs
12 35 of individuals of all ages with disabilities in this state,



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13 1 regardless of the individuals' places of residence or economic
13 2 circumstances, and shall be consistent with the requirements of
13 3 chapter 225C and other applicable law.

13 4 2. The role of community mental health centers in the
13 5 mental health and disability services system is to provide
13 6 an organized set of services in order to adequately meet the
13 7 mental health needs of this state's citizens based on organized
13 8 catchment areas.

13 9 Sec. 19. NEW SECTION. 230A.102 Definitions.

13 10 As used in this chapter, unless the context otherwise
13 11 requires:

13 12 1. "Administrator", "commission", "department", "disability
13 13 services", and "division" mean the same as defined in section
13 14 225C.2.

13 15 2. "Catchment area" means a community mental health center
13 16 catchment area identified in accordance with this chapter.

13 17 3. "Community mental health center" or "center" means a
13 18 community mental health center designated in accordance with
13 19 this chapter.

13 20 Sec. 20. NEW SECTION. 230A.103 Designation of community
13 21 mental health centers.

13 22 1. The division, subject to agreement by any community
13 23 mental health center that would provide services for the
13 24 catchment area and approval by the commission, shall designate
13 25 at least one community mental health center under this chapter
13 26 to serve as lead agency for addressing the mental health needs
13 27 of the county or counties comprising the catchment area. The
13 28 designation process shall provide for the input of potential
13 29 service providers regarding designation of the initial
13 30 catchment area or a change in the designation.

13 31 2. The division shall utilize objective criteria for
13 32 designating a community mental health center to serve a
13 33 catchment area and for withdrawing such designation. The
13 34 commission shall adopt rules outlining the criteria. The
13 35 criteria shall include but are not limited to provisions for



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14 1 meeting all of the following requirements:
14 2 a. An appropriate means shall be used for determining which
14 3 prospective designee is best able to serve all ages of the
14 4 targeted population within the catchment area with minimal or
14 5 no service denials.
14 6 b. An effective means shall be used for determining the
14 7 relative ability of a prospective designee to appropriately
14 8 provide mental health services and other support to consumers
14 9 residing within a catchment area as well as consumers residing
14 10 outside the catchment area. The criteria shall address the
14 11 duty for a prospective designee to arrange placements outside
14 12 the catchment area when such placements best meet consumer
14 13 needs and to provide services within the catchment area to
14 14 consumers who reside outside the catchment area when the
14 15 services are necessary and appropriate.
14 16 3. The board of directors for a designated community mental
14 17 health center shall enter into an agreement with the division.
14 18 The terms of the agreement shall include but are not limited
14 19 to all of the following:
14 20 a. The period of time the agreement will be in force.
14 21 b. The services and other support the center will offer or
14 22 provide for the residents of the catchment area.
14 23 c. The standards to be followed by the center in determining
14 24 whether and to what extent the persons seeking services from
14 25 the center shall be considered to be able to pay the costs of
14 26 the services.
14 27 d. The policies regarding availability of the services
14 28 offered by the center to the residents of the catchment area as
14 29 well as consumers residing outside the catchment area.
14 30 e. The requirements for preparation and submission to the
14 31 division of annual audits, cost reports, program reports,
14 32 performance measures, and other financial and service
14 33 accountability information.
14 34 4. This section does not limit the authority of the board or
14 35 the boards of supervisors of any county or group of counties to



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15 1 continue to expend money to support operation of a center.
15 2 Sec. 21. NEW SECTION. 230A.104 Catchment areas.
15 3 1. The division shall collaborate with affected counties in
15 4 identifying community mental health center catchment areas in
15 5 accordance with this section.
15 6 2. a. Unless the division has determined that exceptional
15 7 circumstances exist, a catchment area shall be served by one
15 8 community mental health center. The purpose of this general
15 9 limitation is to clearly designate the center responsible and
15 10 accountable for providing core mental health services to the
15 11 target population in the catchment area and to protect the
15 12 financial viability of the centers comprising the mental health
15 13 services system in the state.
15 14 b. A formal review process shall be used in determining
15 15 whether exceptional circumstances exist that justify
15 16 designating more than one center to serve a catchment area.
15 17 The criteria for the review process shall include but are not
15 18 limited to a means of determining whether the catchment area
15 19 can support more than one center.
15 20 c. Criteria shall be provided that would allow the
15 21 designation of more than one center for all or a portion of a
15 22 catchment area if designation or approval for more than one
15 23 center was provided by the division as of October 1, 2010. The
15 24 criteria shall require a determination that all such centers
15 25 would be financially viable if designation is provided for all.
15 26 Sec. 22. NEW SECTION. 230A.105 Target population ===
15 27 eligibility.
15 28 1. The target population residing in a catchment area to be
15 29 served by a community mental health center shall include but is
15 30 not limited to all of the following:
15 31 a. Individuals of any age who are experiencing a mental
15 32 health crisis.
15 33 b. Individuals of any age who have a mental health disorder.
15 34 c. Adults who have a serious mental illness or chronic
15 35 mental illness.



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16 1 d. Children and youth who are experiencing a serious
16 2 emotional disturbance.
16 3 e. Individuals described in paragraph "a", "b", "c",
16 4 or "d" who have a co=occurring disorder, including but not
16 5 limited to substance abuse, mental retardation, a developmental
16 6 disability, brain injury, autism spectrum disorder, or another
16 7 disability or special health care need.
16 8 2. Specific eligibility criteria for members of the target
16 9 population shall be identified in administrative rules adopted
16 10 by the commission. The eligibility criteria shall address both
16 11 clinical and financial eligibility.
16 12 Sec. 23. NEW SECTION. 230A.106 Services offered.
16 13 1. A community mental health center designated in
16 14 accordance with this chapter shall offer core services and
16 15 support addressing the basic mental health and safety needs of
16 16 the target population and other residents of the catchment area
16 17 served by the center and may offer other services and support.
16 18 The core services shall be identified in administrative rules
16 19 adopted by the commission for this purpose.
16 20 2. The initial core services identified shall include all
16 21 of the following:
16 22 a. Outpatient services. Outpatient services shall consist
16 23 of evaluation and treatment services provided on an ambulatory
16 24 basis for the target population. Outpatient services include
16 25 psychiatric evaluations, medication management, and individual,
16 26 family, and group therapy. In addition, outpatient services
16 27 shall include specialized outpatient services directed to
16 28 the following segments of the target population: children,
16 29 elderly, individuals who have serious and persistent mental
16 30 illness, and residents of the service area who have been
16 31 discharged from inpatient treatment at a mental health
16 32 facility. Outpatient services shall provide elements of
16 33 diagnosis, treatment, and appropriate follow=up. The provision
16 34 of only screening and referral services does not constitute
16 35 outpatient services.



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17 1 b. Twenty=four=hour emergency services.
17 2 Twenty=four=hour emergency services shall be provided through
17 3 a system that provides access to a clinician and appropriate
17 4 disposition with follow=up documentation of the emergency
17 5 service provided. A patient shall have access to evaluation
17 6 and stabilization services after normal business hours. The
17 7 range of emergency services that shall be available to a
17 8 patient may include but are not limited to direct contact with
17 9 a clinician, medication evaluation, and hospitalization. The
17 10 emergency services may be provided directly by the center
17 11 or in collaboration or affiliation with other appropriately
17 12 accredited providers.
17 13 c. Day treatment, partial hospitalization, or psychosocial
17 14 rehabilitation services. Such services shall be provided as
17 15 structured day programs in segments of less than twenty=four
17 16 hours using a multidisciplinary team approach to develop
17 17 treatment plans that vary in intensity of services and the
17 18 frequency and duration of services based on the needs of the
17 19 patient. These services may be provided directly by the center
17 20 or in collaboration or affiliation with other appropriately
17 21 accredited providers.
17 22 d. Admission screening for voluntary patients.
17 23 Admission screening services shall be available for patients
17 24 considered for voluntary admission to a state mental health
17 25 institute to determine the patient's appropriateness for
17 26 admission.
17 27 e. Community support services. Community support services
17 28 shall consist of support and treatment services focused
17 29 on enhancing independent functioning and assisting persons
17 30 in the target population who have a serious and persistent
17 31 mental illness to live and work in their community setting, by
17 32 reducing or managing mental illness symptoms and the associated
17 33 functional disabilities that negatively impact such persons'
17 34 community integration and stability.
17 35 f. Consultation services. Consultation services may include



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18 1 provision of professional assistance and information about
18 2 mental health and mental illness to individuals, service
18 3 providers, or groups to increase such persons' effectiveness
18 4 in carrying out their responsibilities for providing services.
18 5 Consultations may be case-specific or program-specific.

18 6 g. Education services. Education services may include
18 7 information and referral services regarding available
18 8 resources and information and training concerning mental
18 9 health, mental illness, availability of services and other
18 10 support, the promotion of mental health, and the prevention
18 11 of mental illness. Education services may be made available
18 12 to individuals, groups, organizations, and the community in
18 13 general.

18 14 3. A community mental health center shall be responsible
18 15 for coordinating with associated services provided by other
18 16 unaffiliated agencies to members of the target population in
18 17 the catchment area and to integrate services in the community
18 18 with services provided to the target population in residential
18 19 or inpatient settings.

18 20 Sec. 24. NEW SECTION. 230A.107 Form of organization.

18 21 1. Except as authorized in subsection 2, a community mental
18 22 health center designated in accordance with this chapter shall
18 23 be organized and administered as a nonprofit corporation.

18 24 2. A for-profit corporation, nonprofit corporation, or
18 25 county hospital providing mental health services to county
18 26 residents pursuant to a waiver approved under section 225C.7,
18 27 subsection 3, Code 2011, as of October 1, 2010, may also be
18 28 designated as a community mental health center.

18 29 Sec. 25. NEW SECTION. 230A.108 Administrative, diagnostic,
18 30 and demographic information.

18 31 Release of administrative and diagnostic information, as
18 32 defined in section 228.1, and demographic information necessary
18 33 for aggregated reporting to meet the data requirements
18 34 established by the division, relating to an individual who
18 35 receives services from a community mental health center, may be



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19 1 made a condition of support of that center by the division.
19 2 Sec. 26. NEW SECTION. 230A.109 Funding ==== legislative
19 3 intent.
19 4 1. It is the intent of the general assembly that public
19 5 funding for community mental health centers designated in
19 6 accordance with this chapter shall be provided as a combination
19 7 of federal and state funding.
19 8 2. It is the intent of the general assembly that the state
19 9 funding provided to centers be a sufficient amount for the core
19 10 services and support addressing the basic mental health and
19 11 safety needs of the residents of the catchment area served by
19 12 each center to be provided regardless of individual ability to
19 13 pay for the services and support.
19 14 3. While a community mental health center must comply with
19 15 the core services requirements and other standards associated
19 16 with designation, provision of services is subject to the
19 17 availability of a payment source for the services.
19 18 Sec. 27. NEW SECTION. 230A.110 Standards.
19 19 1. The division shall recommend and the commission shall
19 20 adopt standards for designated community mental health centers
19 21 and comprehensive community mental health programs, with
19 22 the overall objective of ensuring that each center and each
19 23 affiliate providing services under contract with a center
19 24 furnishes high=quality mental health services within a
19 25 framework of accountability to the community it serves. The
19 26 standards adopted shall be in substantial conformity with
19 27 the applicable behavioral health standards adopted by the
19 28 joint commission, formerly known as the joint commission
19 29 on accreditation of health care organizations, and other
19 30 recognized national standards for evaluation of psychiatric
19 31 facilities unless in the judgment of the division, with
19 32 approval of the commission, there are sound reasons for
19 33 departing from the standards.
19 34 2. When recommending standards under this section, the
19 35 division shall designate an advisory committee representing



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20 1 boards of directors and professional staff of designated
20 2 community mental health centers to assist in the formulation
20 3 or revision of standards. The membership of the advisory
20 4 committee shall include representatives of professional and
20 5 nonprofessional staff and other appropriate individuals.
20 6 3. The standards recommended under this section shall
20 7 include requirements that each community mental health center
20 8 designated under this chapter do all of the following:
20 9 a. Maintain and make available to the public a written
20 10 statement of the services the center offers to residents of
20 11 the catchment area being served. The center shall employ or
20 12 contract for services with affiliates to employ staff who are
20 13 appropriately credentialed or meet other qualifications in
20 14 order to provide services.
20 15 b. If organized as a nonprofit corporation, be governed by
20 16 a board of directors which adequately represents interested
20 17 professions, consumers of the center's services, socioeconomic,
20 18 cultural, and age groups, and various geographical areas in
20 19 the catchment area served by the center. If organized as a
20 20 for-profit corporation, the corporation's policy structure
20 21 shall incorporate such representation.
20 22 c. Arrange for the financial condition and transactions of
20 23 the community mental health center to be audited once each year
20 24 by the auditor of state. However, in lieu of an audit by state
20 25 accountants, the local governing body of a community mental
20 26 health center organized under this chapter may contract with
20 27 or employ certified public accountants to conduct the audit,
20 28 pursuant to the applicable terms and conditions prescribed by
20 29 sections 11.6 and 11.19 and audit format prescribed by the
20 30 auditor of state. Copies of each audit shall be furnished by
20 31 the accountant to the administrator of the division of mental
20 32 health and disability services.
20 33 d. Comply with the accreditation standards applicable to the
20 34 center.
20 35 Sec. 28. NEW SECTION. 230A.111 Review and evaluation.



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21 1 1. The review and evaluation of designated centers shall
21 2 be performed through a formal accreditation review process as
21 3 recommended by the division and approved by the commission.
21 4 The accreditation process shall include all of the following:
21 5 a. Specific time intervals for full accreditation reviews
21 6 based upon levels of accreditation.
21 7 b. Use of random or complaint-specific, on-site limited
21 8 accreditation reviews in the interim between full accreditation
21 9 reviews, as a quality review approach. The results of such
21 10 reviews shall be presented to the commission.
21 11 c. Use of center accreditation self-assessment tools to
21 12 gather data regarding quality of care and outcomes, whether
21 13 used during full or limited reviews or at other times.
21 14 2. The accreditation process shall include but is not
21 15 limited to addressing all of the following:
21 16 a. Measures to address centers that do not meet standards,
21 17 including authority to revoke accreditation.
21 18 b. Measures to address noncompliant centers that do not
21 19 develop a corrective action plan or fail to implement steps
21 20 included in a corrective action plan accepted by the division.
21 21 c. Measures to appropriately recognize centers that
21 22 successfully complete a corrective action plan.
21 23 d. Criteria to determine when a center's accreditation
21 24 should be denied, revoked, suspended, or made provisional.
21 25 Sec. 29. REPEAL. Sections 230A.1 through 230A.18, Code
21 26 2011, are repealed.
21 27 Sec. 30. IMPLEMENTATION ==== EFFECTIVE DATE.
21 28 1. Community mental health centers operating under
21 29 the provisions of chapter 230A, Code 2011, and associated
21 30 standards, rules, and other requirements as of June 30, 2012,
21 31 may continue to operate under such requirements until the
21 32 department of human services, division of mental health and
21 33 disability services, and the mental health and disability
21 34 services commission have completed the rules adoption process
21 35 to implement the amendments to chapter 230A enacted by this



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22 1 Act, identified catchment areas, and completed designations of
22 2 centers.

22 3 2. The division and the commission shall complete the rules
22 4 adoption process and other requirements addressed in subsection
22 5 1 on or before June 30, 2012.

22 6 3. Except for this section, which shall take effect July 1,
22 7 2011, this division of this Act takes effect July 1, 2012.

22 8

DIVISION VI

22 9 PERSONS WITH SUBSTANCE-RELATED DISORDERS

22 10 AND PERSONS WITH MENTAL ILLNESS

22 11 Sec. 31. Section 125.1, subsection 1, Code 2011, is amended
22 12 to read as follows:

22 13 1. That ~~substance abusers and persons suffering from~~
22 14 ~~chemical dependency~~ persons with substance-related disorders

22 15 be afforded the opportunity to receive quality treatment and
22 16 directed into rehabilitation services which will help them
22 17 resume a socially acceptable and productive role in society.

22 18 Sec. 32. Section 125.2, subsection 2, Code 2011, is amended
22 19 by striking the subsection.

22 20 Sec. 33. Section 125.2, subsection 5, Code 2011, is amended
22 21 by striking the subsection and inserting in lieu thereof the
22 22 following:

22 23 5. "Substance-related disorder" means a diagnosable
22 24 substance abuse disorder of sufficient duration to meet
22 25 diagnostic criteria specified within the most current
22 26 diagnostic and statistical manual of mental disorders published
22 27 by the American psychiatric association that results in a
22 28 functional impairment.

22 29 Sec. 34. Section 125.2, subsection 9, Code 2011, is amended
22 30 to read as follows:

22 31 9. "Facility" means an institution, a detoxification center,
22 32 or an installation providing care, maintenance and treatment
22 33 for ~~substance abusers~~ persons with substance-related disorders
22 34 licensed by the department under section 125.13, hospitals
22 35 licensed under chapter 135B, or the state mental health



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23 1 institutes designated by chapter 226.

23 2 Sec. 35. Section 125.2, subsections 13, 17, and 18, Code
23 3 2011, are amended by striking the subsections.

23 4 Sec. 36. Section 125.9, subsections 2 and 4, Code 2011, are
23 5 amended to read as follows:

23 6 2. Make contracts necessary or incidental to the
23 7 performance of the duties and the execution of the powers of
23 8 the director, including contracts with public and private
23 9 agencies, organizations and individuals to pay them for
23 10 services rendered or furnished to ~~substance abusers, chronic~~
~~23 11 substance abusers, or intoxicated persons~~ persons with
23 12 substance-related disorders.

23 13 4. Coordinate the activities of the department and
23 14 cooperate with substance abuse programs in this and other
23 15 states, and make contracts and other joint or cooperative
23 16 arrangements with state, local or private agencies in this
23 17 and other states for the treatment of ~~substance abusers,~~
~~23 18 chronic substance abusers, and intoxicated persons~~ persons with
23 19 substance-related disorders and for the common advancement of
23 20 substance abuse programs.

23 21 Sec. 37. Section 125.10, subsections 2, 3, 4, 5, 7, 8, 9,
23 22 11, 13, 15, and 17, Code 2011, are amended to read as follows:

23 23 2. Develop, encourage, and foster statewide, regional
23 24 and local plans and programs for the prevention of substance
23 25 abuse misuse and the treatment of ~~substance abusers, chronic~~
~~23 26 substance abusers, and intoxicated persons~~ persons with
23 27 substance-related disorders in cooperation with public and
23 28 private agencies, organizations and individuals, and provide
23 29 technical assistance and consultation services for these
23 30 purposes.

23 31 3. Coordinate the efforts and enlist the assistance of all
23 32 public and private agencies, organizations and individuals
23 33 interested in the prevention of substance abuse and the
23 34 treatment of ~~substance abusers, chronic substance abusers, and~~
~~23 35 intoxicated persons~~ persons with substance-related disorders.



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24 1 4. Cooperate with the department of human services and
24 2 the Iowa department of public health in establishing and
24 3 conducting programs to provide treatment for ~~substance abusers,~~
~~24 4 chronic substance abusers, and intoxicated persons~~ persons with
24 5 substance-related disorders.

24 6 5. Cooperate with the department of education, boards
24 7 of education, schools, police departments, courts, and other
24 8 public and private agencies, organizations, and individuals in
24 9 establishing programs for the prevention of substance abuse
24 10 and the treatment of ~~substance abusers, chronic substance~~
~~24 11 abusers, and intoxicated persons~~ persons with substance-related
24 12 disorders, and in preparing relevant curriculum materials for
24 13 use at all levels of school education.

24 14 7. Develop and implement, as an integral part of treatment
24 15 programs, an educational program for use in the treatment of
24 16 ~~substance abusers, chronic substance abusers, and intoxicated~~
~~24 17 persons~~ persons with substance-related disorders, which program
24 18 shall include the dissemination of information concerning the
24 19 nature and effects of chemical substances.

24 20 8. Organize and implement, in cooperation with local
24 21 treatment programs, training programs for all persons engaged
24 22 in treatment of ~~substance abusers, chronic substance abusers,~~
~~24 23 and intoxicated persons~~ persons with substance-related
24 24 disorders.

24 25 9. Sponsor and implement research in cooperation with local
24 26 treatment programs into the causes and nature of substance
24 27 ~~abuse misuse and treatment of substance abusers, chronic~~
~~24 28 substance abusers, and intoxicated persons~~ persons with
24 29 substance-related disorders, and serve as a clearing house for
24 30 information relating to substance abuse.

24 31 11. Develop and implement, with the counsel and approval of
24 32 the board, the comprehensive plan for treatment of ~~substance~~
~~24 33 abusers, chronic substance abusers, and intoxicated persons~~
~~24 34~~ persons with substance-related disorders in accordance with
24 35 this chapter.



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25 1 13. Utilize the support and assistance of interested
25 2 persons in the community, particularly ~~recovered substance~~
~~25 3 abusers and chronic substance abusers,~~ persons who are
25 4 recovering from substance-related disorders to encourage
25 5 ~~substance abusers and chronic substance abusers~~ persons with
25 6 substance-related disorders to voluntarily undergo treatment.
25 7 15. Encourage general hospitals and other appropriate
25 8 health facilities to admit without discrimination ~~substance~~
~~25 9 abusers, chronic substance abusers, and intoxicated persons~~
~~25 10~~ persons with substance-related disorders and to provide them
25 11 with adequate and appropriate treatment. The director may
25 12 negotiate and implement contracts with hospitals and other
25 13 appropriate health facilities with adequate detoxification
25 14 facilities.
25 15 17. Review all state health, welfare, education and
25 16 treatment proposals to be submitted for federal funding under
25 17 federal legislation, and advise the governor on provisions to
25 18 be included relating to substance abuse, ~~substance abusers,~~
~~25 19 chronic substance abusers, and intoxicated persons~~ and persons
25 20 with substance-related disorders.
25 21 Sec. 38. Section 125.12, subsections 1 and 3, Code 2011, are
25 22 amended to read as follows:
25 23 1. The board shall review the comprehensive substance
25 24 abuse program implemented by the department for the treatment
25 25 of ~~substance abusers, chronic substance abusers, intoxicated~~
~~25 26 persons~~ persons with substance-related disorders, and concerned
25 27 family members. Subject to the review of the board, the
25 28 director shall divide the state into appropriate regions
25 29 for the conduct of the program and establish standards for
25 30 the development of the program on the regional level. In
25 31 establishing the regions, consideration shall be given to city
25 32 and county lines, population concentrations, and existing
25 33 substance abuse treatment services.
25 34 3. The director shall provide for adequate and appropriate
25 35 treatment for ~~substance abusers, chronic substance abusers,~~



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~~26 1 intoxicated persons~~ persons with substance-related disorders,
26 2 and concerned family members admitted under sections 125.33 and
26 3 125.34, or under section 125.75, 125.81, or 125.91. Treatment
26 4 shall not be provided at a correctional institution except for
26 5 inmates.
26 6 Sec. 39. Section 125.13, subsection 1, paragraph a, Code
26 7 2011, is amended to read as follows:
26 8 a. Except as provided in subsection 2, a person shall not
26 9 maintain or conduct any chemical substitutes or antagonists
26 10 program, residential program, or nonresidential outpatient
26 11 program, the primary purpose of which is the treatment and
26 12 rehabilitation of ~~substance abusers or chronic substance~~
~~26 13 abusers~~ persons with substance-related disorders without having
26 14 first obtained a written license for the program from the
26 15 department.
26 16 Sec. 40. Section 125.13, subsection 2, paragraphs a and c,
26 17 Code 2011, are amended to read as follows:
26 18 a. A hospital providing care or treatment to ~~substance~~
~~26 19 abusers or chronic substance abusers~~ persons with
26 20 substance-related disorders licensed under chapter 135B which
26 21 is accredited by the joint commission on the accreditation of
26 22 health care organizations, the commission on accreditation
26 23 of rehabilitation facilities, the American osteopathic
26 24 association, or another recognized organization approved by the
26 25 board. All survey reports from the accrediting or licensing
26 26 body must be sent to the department.
26 27 c. Private institutions conducted by and for persons who
26 28 adhere to the faith of any well recognized church or religious
26 29 denomination for the purpose of providing care, treatment,
26 30 counseling, or rehabilitation to ~~substance abusers or chronic~~
~~26 31 substance abusers~~ persons with substance-related disorders and
26 32 who rely solely on prayer or other spiritual means for healing
26 33 in the practice of religion of such church or denomination.
26 34 Sec. 41. Section 125.15, Code 2011, is amended to read as
26 35 follows:



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27 1 125.15 Inspections.

27 2 The department may inspect the facilities and review the
27 3 procedures utilized by any chemical substitutes or antagonists
27 4 program, residential program, or nonresidential outpatient
27 5 program that has as a primary purpose the treatment and
27 6 rehabilitation of ~~substance abusers or chronic substance~~
~~27 7 abusers~~ persons with substance-related disorders, for the
27 8 purpose of ensuring compliance with this chapter and the rules
27 9 adopted pursuant to this chapter. The examination and review
27 10 may include case record audits and interviews with staff and
27 11 patients, consistent with the confidentiality safeguards of
27 12 state and federal law.

27 13 Sec. 42. Section 125.32, unnumbered paragraph 1, Code 2011,
27 14 is amended to read as follows:

27 15 The department shall adopt and may amend and repeal rules
27 16 for acceptance of persons into the treatment program, subject
27 17 to chapter 17A, considering available treatment resources and
27 18 facilities, for the purpose of early and effective treatment
27 19 of ~~substance abusers, chronic substance abusers, intoxicated~~
~~27 20 persons,~~ persons with substance-related disorders and concerned
27 21 family members. In establishing the rules the department shall
27 22 be guided by the following standards:

27 23 Sec. 43. Section 125.33, subsections 1, 3, and 4, Code 2011,
27 24 are amended to read as follows:

27 25 1. A ~~substance abuser or chronic substance abuser~~ person
27 26 with a substance-related disorder may apply for voluntary
27 27 treatment or rehabilitation services directly to a facility
27 28 or to a licensed physician and surgeon or osteopathic
27 29 physician and surgeon. If the proposed patient is a minor
27 30 or an incompetent person, a parent, a legal guardian or
27 31 other legal representative may make the application. The
27 32 licensed physician and surgeon or osteopathic physician and
27 33 surgeon or any employee or person acting under the direction
27 34 or supervision of the physician and surgeon or osteopathic
27 35 physician and surgeon, or the facility shall not report or



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28 1 disclose the name of the person or the fact that treatment
28 2 was requested or has been undertaken to any law enforcement
28 3 officer or law enforcement agency; nor shall such information
28 4 be admissible as evidence in any court, grand jury, or
28 5 administrative proceeding unless authorized by the person
28 6 seeking treatment. If the person seeking such treatment or
28 7 rehabilitation is a minor who has personally made application
28 8 for treatment, the fact that the minor sought treatment or
28 9 rehabilitation or is receiving treatment or rehabilitation
28 10 services shall not be reported or disclosed to the parents or
28 11 legal guardian of such minor without the minor's consent, and
28 12 the minor may give legal consent to receive such treatment and
28 13 rehabilitation.

28 14 3. A ~~substance abuser or chronic substance abuser~~ person
28 15 with a substance-related disorder seeking treatment or
28 16 rehabilitation and who is either addicted or dependent on a
28 17 chemical substance may first be examined and evaluated by a
28 18 licensed physician and surgeon or osteopathic physician and
28 19 surgeon who may prescribe a proper course of treatment and
28 20 medication, if needed. The licensed physician and surgeon
28 21 or osteopathic physician and surgeon may further prescribe a
28 22 course of treatment or rehabilitation and authorize another
28 23 licensed physician and surgeon or osteopathic physician and
28 24 surgeon or facility to provide the prescribed treatment or
28 25 rehabilitation services. Treatment or rehabilitation services
28 26 may be provided to a person individually or in a group. A
28 27 facility providing or engaging in treatment or rehabilitation
28 28 shall not report or disclose to a law enforcement officer or
28 29 law enforcement agency the name of any person receiving or
28 30 engaged in the treatment or rehabilitation; nor shall a person
28 31 receiving or participating in treatment or rehabilitation
28 32 report or disclose the name of any other person engaged in or
28 33 receiving treatment or rehabilitation or that the program is
28 34 in existence, to a law enforcement officer or law enforcement
28 35 agency. Such information shall not be admitted in evidence in



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29 1 any court, grand jury, or administrative proceeding. However,
29 2 a person engaged in or receiving treatment or rehabilitation
29 3 may authorize the disclosure of the person's name and
29 4 individual participation.
29 5 4. If a patient receiving inpatient or residential care
29 6 leaves a facility, the patient shall be encouraged to consent
29 7 to appropriate outpatient or halfway house treatment. If it
29 8 appears to the administrator in charge of the facility that
29 9 the patient is a ~~substance abuser or chronic substance abuser~~
~~29 10 person with a substance-related disorder~~ who requires help, the
29 11 director may arrange for assistance in obtaining supportive
29 12 services.
29 13 Sec. 44. Section 125.34, Code 2011, is amended to read as
29 14 follows:
29 15 125.34 Treatment and services for ~~intoxicated persons and~~
~~29 16 persons incapacitated by alcohol~~ persons with substance-related
29 17 disorders due to intoxication and substance-induced
29 18 incapacitation.
29 19 1. ~~An intoxicated~~ A person with a substance-related
29 20 disorder due to intoxication or substance-induced
29 21 incapacitation may come voluntarily to a facility for
29 22 emergency treatment. A person who appears to be intoxicated or
29 23 incapacitated by a ~~chemical~~ substance in a public place and in
29 24 need of help may be taken to a facility by a peace officer under
29 25 section 125.91. If the person refuses the proffered help, the
29 26 person may be arrested and charged with intoxication under
29 27 section 123.46, if applicable.
29 28 2. If no facility is readily available the person may
29 29 be taken to an emergency medical service customarily used
29 30 for incapacitated persons. The peace officer in detaining
29 31 the person and in taking the person to a facility shall make
29 32 every reasonable effort to protect the person's health and
29 33 safety. In detaining the person the detaining officer may take
29 34 reasonable steps for self-protection. Detaining a person under
29 35 section 125.91 is not an arrest and no entry or other record



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30 1 shall be made to indicate that the person who is detained has
30 2 been arrested or charged with a crime.

30 3 3. A person who arrives at a facility and voluntarily
30 4 submits to examination shall be examined by a licensed
30 5 physician as soon as possible after the person arrives at the
30 6 facility. The person may then be admitted as a patient or
30 7 referred to another health facility. The referring facility
30 8 shall arrange for transportation.

30 9 4. If a person is voluntarily admitted to a facility, the
30 10 person's family or next of kin shall be notified as promptly
30 11 as possible. If an adult patient who is not incapacitated
30 12 requests that there be no notification, the request shall be
30 13 respected.

30 14 5. A peace officer who acts in compliance with this section
30 15 is acting in the course of the officer's official duty and is
30 16 not criminally or civilly liable therefor, unless such acts
30 17 constitute willful malice or abuse.

30 18 6. If the physician in charge of the facility determines it
30 19 is for the patient's benefit, the patient shall be encouraged
30 20 to agree to further diagnosis and appropriate voluntary
30 21 treatment.

30 22 7. A licensed physician and surgeon or osteopathic
30 23 physician and surgeon, facility administrator, or an
30 24 employee or a person acting as or on behalf of the facility
30 25 administrator, is not criminally or civilly liable for acts
30 26 in conformity with this chapter, unless the acts constitute
30 27 willful malice or abuse.

30 28 Sec. 45. Section 125.43, Code 2011, is amended to read as
30 29 follows:

30 30 125.43 Funding at mental health institutes.

30 31 Chapter 230 governs the determination of the costs and
30 32 payment for treatment provided to ~~substance abusers or chronic~~
~~30 33 substance abusers~~ persons with substance-related disorders in a
30 34 mental health institute under the department of human services,
30 35 except that the charges are not a lien on real estate owned



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31 1 by persons legally liable for support of the ~~substance abuser~~
31 2 ~~or chronic substance abuser~~ person with a substance-related
31 3 disorder and the daily per diem shall be billed at twenty=five
31 4 percent. The superintendent of a state hospital shall total
31 5 only those expenditures which can be attributed to the cost of
31 6 providing inpatient treatment to ~~substance abusers or chronic~~
31 7 ~~substance abusers~~ persons with substance-related disorders for
31 8 purposes of determining the daily per diem. Section 125.44
31 9 governs the determination of who is legally liable for the
31 10 cost of care, maintenance, and treatment of a ~~substance abuser~~
31 11 ~~or chronic substance abuser~~ person with a substance-related
31 12 disorder and of the amount for which the person is liable.
31 13 Sec. 46. Section 125.43A, Code 2011, is amended to read as
31 14 follows:
31 15 125.43A Prescreening ==== exception.
31 16 Except in cases of medical emergency or court=ordered
31 17 admissions, a person shall be admitted to a state mental
31 18 health institute for substance abuse treatment only after a
31 19 preliminary intake and assessment by a department=licensed
31 20 treatment facility or a hospital providing care or treatment
31 21 for ~~substance abusers~~ persons with substance-related disorders
31 22 licensed under chapter 135B and accredited by the joint
31 23 commission on the accreditation of health care organizations,
31 24 the commission on accreditation of rehabilitation facilities,
31 25 the American osteopathic association, or another recognized
31 26 organization approved by the board, or by a designee of a
31 27 department=licensed treatment facility or a hospital other
31 28 than a state mental health institute, which confirms that
31 29 the admission is appropriate to the person's substance abuse
31 30 service needs. A county board of supervisors may seek an
31 31 admission of a patient to a state mental health institute who
31 32 has not been confirmed for appropriate admission and the county
31 33 shall be responsible for one hundred percent of the cost of
31 34 treatment and services of the patient.
31 35 Sec. 47. Section 125.44, Code 2011, is amended to read as



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32 1 follows:

32 2 125.44 Agreements with facilities === liability for costs.

32 3 The director may, consistent with the comprehensive
32 4 substance abuse program, enter into written agreements with a
32 5 facility as defined in section 125.2 to pay for one hundred
32 6 percent of the cost of the care, maintenance, and treatment
32 7 of ~~substance abusers and chronic substance abusers~~ persons
32 8 with substance-related disorders, except when section 125.43A

32 9 applies. All payments for state patients shall be made
32 10 in accordance with the limitations of this section. Such
32 11 contracts shall be for a period of no more than one year.

32 12 The contract may be in the form and contain provisions
32 13 as agreed upon by the parties. The contract shall provide
32 14 that the facility shall admit and treat ~~substance abusers~~
32 15 ~~and chronic substance abusers~~ persons with substance-related
32 16 disorders regardless of where they have residence. If one

32 17 payment for care, maintenance, and treatment is not made
32 18 by the patient or those legally liable for the patient,
32 19 the payment shall be made by the department directly to the
32 20 facility. Payments shall be made each month and shall be
32 21 based upon the rate of payment for services negotiated between
32 22 the department and the contracting facility. If a facility
32 23 projects a temporary cash flow deficit, the department may
32 24 make cash advances at the beginning of each fiscal year to the
32 25 facility. The repayment schedule for advances shall be part
32 26 of the contract between the department and the facility. This
32 27 section does not pertain to patients treated at the mental
32 28 health institutes.

32 29 If the appropriation to the department is insufficient to
32 30 meet the requirements of this section, the department shall
32 31 request a transfer of funds and section 8.39 shall apply.

32 32 The ~~substance abuser or chronic substance abuser~~ person
32 33 with a substance-related disorder is legally liable to the
32 34 facility for the total amount of the cost of providing care,
32 35 maintenance, and treatment for the ~~substance abuser or chronic~~



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~~33 1 substance abuser~~ person with a substance-related disorder while
33 2 a voluntary or committed patient in a facility. This section
33 3 does not prohibit any individual from paying any portion of the
33 4 cost of treatment.
33 5 The department is liable for the cost of care, treatment,
33 6 and maintenance of ~~substance abusers and chronic substance~~
~~33 7 abusers~~ persons with substance-related disorders admitted to
33 8 the facility voluntarily or pursuant to section 125.75, 125.81,
33 9 or 125.91 or section 321J.3 or 124.409 only to those facilities
33 10 that have a contract with the department under this section,
33 11 only for the amount computed according to and within the limits
33 12 of liability prescribed by this section, and only when the
33 13 ~~substance abuser or chronic substance abuser~~ person with a
33 14 substance-related disorder is unable to pay the costs and there
33 15 is no other person, firm, corporation, or insurance company
33 16 bound to pay the costs.
33 17 The department's maximum liability for the costs of care,
33 18 treatment, and maintenance of ~~substance abusers and chronic~~
~~33 19 substance abusers~~ persons with substance-related disorders in
33 20 a contracting facility is limited to the total amount agreed
33 21 upon by the parties and specified in the contract under this
33 22 section.
33 23 Sec. 48. Section 125.46, Code 2011, is amended to read as
33 24 follows:
33 25 125.46 County of residence determined.
33 26 The facility shall, when a ~~substance abuser or chronic~~
~~33 27 substance abuser~~ person with a substance-related disorder is
33 28 admitted, or as soon thereafter as it receives the proper
33 29 information, determine and enter upon its records the Iowa
33 30 county of residence of the ~~substance abuser or chronic~~
~~33 31 substance abuser~~ person with a substance-related disorder, or
33 32 that the person resides in some other state or country, or that
33 33 the person is unclassified with respect to residence.
33 34 Sec. 49. Section 125.75, unnumbered paragraph 1, Code 2011,
33 35 is amended to read as follows:



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34 1 Proceedings for the involuntary commitment or treatment of
34 2 a ~~chronic substance abuser~~ person with a substance-related
34 3 disorder to a facility may be commenced by the county attorney
34 4 or an interested person by filing a verified application
34 5 with the clerk of the district court of the county where the
34 6 respondent is presently located or which is the respondent's
34 7 place of residence. The clerk or the clerk's designee shall
34 8 assist the applicant in completing the application. The
34 9 application shall:
34 10 Sec. 50. Section 125.75, subsection 1, Code 2011, is amended
34 11 to read as follows:
34 12 1. State the applicant's belief that the respondent is
34 13 a ~~chronic substance abuser~~ person with a substance-related
34 14 disorder.
34 15 Sec. 51. Section 125.80, subsections 3 and 4, Code 2011, are
34 16 amended to read as follows:
34 17 3. If the report of a court-designated physician is to the
34 18 effect that the respondent is not a ~~chronic substance abuser~~
34 19 ~~person with a substance-related disorder~~, the court, without
34 20 taking further action, may terminate the proceeding and dismiss
34 21 the application on its own motion and without notice.
34 22 4. If the report of a court-designated physician is to the
34 23 effect that the respondent is a ~~chronic substance abuser~~ person
34 24 with a substance-related disorder, the court shall schedule a
34 25 commitment hearing as soon as possible. The hearing shall be
34 26 held not more than forty-eight hours after the report is filed,
34 27 excluding Saturdays, Sundays, and holidays, unless an extension
34 28 for good cause is requested by the respondent, or as soon
34 29 thereafter as possible if the court considers that sufficient
34 30 grounds exist for delaying the hearing.
34 31 Sec. 52. Section 125.81, subsection 1, Code 2011, is amended
34 32 to read as follows:
34 33 1. If a person filing an application requests that a
34 34 respondent be taken into immediate custody, and the court upon
34 35 reviewing the application and accompanying documentation, finds



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35 1 probable cause to believe that the respondent is a ~~chronic~~
~~35 2 substance abuser~~ person with a substance-related disorder who
35 3 is likely to injure the person or other persons if allowed
35 4 to remain at liberty, the court may enter a written order
35 5 directing that the respondent be taken into immediate custody
35 6 by the sheriff, and be detained until the commitment hearing,
35 7 which shall be held no more than five days after the date of the
35 8 order, except that if the fifth day after the date of the order
35 9 is a Saturday, Sunday, or a holiday, the hearing may be held
35 10 on the next business day. The court may order the respondent
35 11 detained for the period of time until the hearing is held, and
35 12 no longer except as provided in section 125.88, in accordance
35 13 with subsection 2, paragraph "a", if possible, and if not, then
35 14 in accordance with subsection 2, paragraph "b", or, only if
35 15 neither of these alternatives is available in accordance with
35 16 subsection 2, paragraph "c".

35 17 Sec. 53. Section 125.82, subsection 4, Code 2011, is amended
35 18 to read as follows:

35 19 4. The respondent's welfare is paramount, and the hearing
35 20 shall be tried as a civil matter and conducted in as informal a
35 21 manner as is consistent with orderly procedure. Discovery as
35 22 permitted under the Iowa rules of civil procedure is available
35 23 to the respondent. The court shall receive all relevant and
35 24 material evidence, but the court is not bound by the rules of
35 25 evidence. A presumption in favor of the respondent exists,
35 26 and the burden of evidence and support of the contentions made
35 27 in the application shall be upon the person who filed the
35 28 application. If upon completion of the hearing the court finds
35 29 that the contention that the respondent is a ~~chronic substance~~
~~35 30 abuser~~ person with a substance-related disorder has not been
35 31 sustained by clear and convincing evidence, the court shall
35 32 deny the application and terminate the proceeding.

35 33 Sec. 54. Section 125.83, Code 2011, is amended to read as
35 34 follows:

35 35 125.83 Placement for evaluation.



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36 1 If upon completion of the commitment hearing, the court
36 2 finds that the contention that the respondent is a ~~chronic~~
~~36 3 substance abuser~~ person with a substance-related disorder
36 4 has been sustained by clear and convincing evidence, the
36 5 court shall order the respondent placed at a facility or
36 6 under the care of a suitable facility on an outpatient basis
36 7 as expeditiously as possible for a complete evaluation and
36 8 appropriate treatment. The court shall furnish to the facility
36 9 at the time of admission or outpatient placement, a written
36 10 statement of facts setting forth the evidence on which the
36 11 finding is based. The administrator of the facility shall
36 12 report to the court no more than fifteen days after the
36 13 individual is admitted to or placed under the care of the
36 14 facility, which shall include the chief medical officer's
36 15 recommendation concerning substance abuse treatment. An
36 16 extension of time may be granted for a period not to exceed
36 17 seven days upon a showing of good cause. A copy of the report
36 18 shall be sent to the respondent's attorney who may contest
36 19 the need for an extension of time if one is requested. If
36 20 the request is contested, the court shall make an inquiry
36 21 as it deems appropriate and may either order the respondent
36 22 released from the facility or grant extension of time for
36 23 further evaluation. If the administrator fails to report to
36 24 the court within fifteen days after the individual is admitted
36 25 to the facility, and no extension of time has been requested,
36 26 the administrator is guilty of contempt and shall be punished
36 27 under chapter 665. The court shall order a rehearing on the
36 28 application to determine whether the respondent should continue
36 29 to be held at the facility.
36 30 Sec. 55. Section 125.83A, subsection 1, Code 2011, is
36 31 amended to read as follows:
36 32 1. If upon completion of the commitment hearing, the court
36 33 finds that the contention that the respondent is a ~~chronic~~
~~36 34 substance abuser~~ person with a substance-related disorder
36 35 has been sustained by clear and convincing evidence, and the



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37 1 court is furnished evidence that the respondent is eligible
37 2 for care and treatment in a facility operated by the United
37 3 States department of veterans affairs or another agency of
37 4 the United States government and that the facility is willing
37 5 to receive the respondent, the court may so order. The
37 6 respondent, when so placed in a facility operated by the United
37 7 States department of veterans affairs or another agency of
37 8 the United States government within or outside of this state,
37 9 shall be subject to the rules of the United States department
37 10 of veterans affairs or other agency, but shall not lose any
37 11 procedural rights afforded the respondent by this chapter.
37 12 The chief officer of the facility shall have, with respect to
37 13 the respondent so placed, the same powers and duties as the
37 14 chief medical officer of a hospital in this state would have
37 15 in regard to submission of reports to the court, retention
37 16 of custody, transfer, convalescent leave, or discharge.
37 17 Jurisdiction is retained in the court to maintain surveillance
37 18 of the respondent's treatment and care, and at any time to
37 19 inquire into the respondent's condition and the need for
37 20 continued care and custody.

37 21 Sec. 56. Section 125.84, subsections 2, 3, and 4, Code 2011,
37 22 are amended to read as follows:

37 23 2. That the respondent is a ~~chronic substance abuser~~
~~37 24~~ person with a substance-related disorder who is in need of
37 25 full-time custody, care, and treatment in a facility, and is
37 26 considered likely to benefit from treatment. If the report so
37 27 states, the court shall enter an order which may require the
37 28 respondent's continued placement and commitment to a facility
37 29 for appropriate treatment.
37 30 3. That the respondent is a ~~chronic substance abuser~~ person
37 31 with a substance-related disorder who is in need of treatment,
37 32 but does not require full-time placement in a facility. If the
37 33 report so states, the report shall include the chief medical
37 34 officer's recommendation for treatment of the respondent on
37 35 an outpatient or other appropriate basis, and the court shall



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38 1 enter an order which may direct the respondent to submit to the
38 2 recommended treatment. The order shall provide that if the
38 3 respondent fails or refuses to submit to treatment, as directed
38 4 by the court's order, the court may order that the respondent
38 5 be taken into immediate custody as provided by section 125.81
38 6 and, following notice and hearing held in accordance with
38 7 the procedures of sections 125.77 and 125.82, may order the
38 8 respondent treated as a patient requiring full-time custody,
38 9 care, and treatment as provided in subsection 2, and may order
38 10 the respondent involuntarily committed to a facility.

38 11 4. That the respondent is a ~~chronic substance abuser~~
~~38 12~~ person with a substance-related disorder who is in need of
38 13 treatment, but in the opinion of the chief medical officer is
38 14 not responding to the treatment provided. If the report so
38 15 states, the report shall include the facility administrator's
38 16 recommendation for alternative placement, and the court shall
38 17 enter an order which may direct the respondent's transfer
38 18 to the recommended placement or to another placement after
38 19 consultation with respondent's attorney and the facility
38 20 administrator who made the report under this subsection.

38 21 Sec. 57. Section 125.91, subsections 1, 2, and 3, Code 2011,
38 22 are amended to read as follows:

38 23 1. The procedure prescribed by this section shall only
38 24 be used for ~~an intoxicated~~ a person with a substance-related
38 25 disorder due to intoxication or substance-induced
38 26 incapacitation who has threatened, attempted, or inflicted
38 27 physical self-harm or harm on another, and is likely to inflict
38 28 physical self-harm or harm on another unless immediately
38 29 detained, or who is incapacitated by a ~~chemical~~ substance,
38 30 if that person cannot be taken into immediate custody under
38 31 sections 125.75 and 125.81 because immediate access to the
38 32 court is not possible.

38 33 2. a. A peace officer who has reasonable grounds to believe
38 34 that the circumstances described in subsection 1 are applicable
38 35 may, without a warrant, take or cause that person to be taken



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39 1 to the nearest available facility referred to in section
39 2 125.81, subsection 2, paragraph "b" or "c". Such ~~an intoxicated~~
~~39 3 or incapacitated~~ a person with a substance-related disorder due
39 4 to intoxication or substance-induced incapacitation who also
39 5 demonstrates a significant degree of distress or dysfunction
39 6 may also be delivered to a facility by someone other than a
39 7 peace officer upon a showing of reasonable grounds. Upon
39 8 delivery of the person to a facility under this section, the
39 9 examining physician may order treatment of the person, but only
39 10 to the extent necessary to preserve the person's life or to
39 11 appropriately control the person's behavior if the behavior is
39 12 likely to result in physical injury to the person or others
39 13 if allowed to continue. The peace officer or other person
39 14 who delivered the person to the facility shall describe the
39 15 circumstances of the matter to the examining physician. If the
39 16 person is a peace officer, the peace officer may do so either
39 17 in person or by written report. If the examining physician
39 18 has reasonable grounds to believe that the circumstances in
39 19 subsection 1 are applicable, the examining physician shall
39 20 at once communicate with the nearest available magistrate
39 21 as defined in section 801.4, subsection 10. The magistrate
39 22 shall, based upon the circumstances described by the examining
39 23 physician, give the examining physician oral instructions
39 24 either directing that the person be released forthwith, or
39 25 authorizing the person's detention in an appropriate facility.
39 26 The magistrate may also give oral instructions and order that
39 27 the detained person be transported to an appropriate facility.
39 28 b. If the magistrate orders that the person be detained,
39 29 the magistrate shall, by the close of business on the next
39 30 working day, file a written order with the clerk in the county
39 31 where it is anticipated that an application may be filed
39 32 under section 125.75. The order may be filed by facsimile if
39 33 necessary. The order shall state the circumstances under which
39 34 the person was taken into custody or otherwise brought to a
39 35 facility and the grounds supporting the finding of probable



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40 1 cause to believe that the person is a ~~chronic substance abuser~~
40 2 person with a substance-related disorder likely to result in
40 3 physical injury to the person or others if not detained. The
40 4 order shall confirm the oral order authorizing the person's
40 5 detention including any order given to transport the person
40 6 to an appropriate facility. The clerk shall provide a copy
40 7 of that order to the ~~chief medical officer of the facility~~
40 8 attending physician, to which the person was originally taken,
40 9 any subsequent facility to which the person was transported,
40 10 and to any law enforcement department or ambulance service that
40 11 transported the person pursuant to the magistrate's order.
40 12 3. The ~~chief medical officer of the facility~~ attending
40 13 physician shall examine and may detain the person pursuant to
40 14 the magistrate's order for a period not to exceed forty-eight
40 15 hours from the time the order is dated, excluding Saturdays,
40 16 Sundays, and holidays, unless the order is dismissed by a
40 17 magistrate. The facility may provide treatment which is
40 18 necessary to preserve the person's life or to appropriately
40 19 control the person's behavior if the behavior is likely to
40 20 result in physical injury to the person or others if allowed
40 21 to continue or is otherwise deemed medically necessary by
40 22 the ~~chief medical officer~~ attending physician, but shall not
40 23 otherwise provide treatment to the person without the person's
40 24 consent. The person shall be discharged from the facility and
40 25 released from detention no later than the expiration of the
40 26 forty-eight-hour period, unless an application for involuntary
40 27 commitment is filed with the clerk pursuant to section 125.75.
40 28 The detention of a person by the procedure in this section, and
40 29 not in excess of the period of time prescribed by this section,
40 30 shall not render the peace officer, attending physician, or
40 31 facility detaining the person liable in a criminal or civil
40 32 action for false arrest or false imprisonment if the peace
40 33 officer, physician, or facility had reasonable grounds to
40 34 believe that the circumstances described in subsection 1 were
40 35 applicable.



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41 1 Sec. 58. NEW SECTION. 125.95 Advocates ==== duties ====
41 2 compensation ==== state and county liability.
41 3 1. a. In each county with a population of three hundred
41 4 thousand or more inhabitants, the board of supervisors shall
41 5 appoint an individual who has demonstrated by prior activities
41 6 an informed concern for the welfare and rehabilitation of
41 7 persons with substance-related disorders, and who is not an
41 8 officer or employee of the department of public health nor
41 9 of any agency or facility providing care or treatment to
41 10 persons with substance-related disorders, to act as an advocate
41 11 representing the interests of persons involuntarily committed
41 12 by the court, in any matter relating to the persons' commitment
41 13 for treatment under section 125.84 or 125.86. In each county
41 14 with a population of under three hundred thousand inhabitants,
41 15 the chief judge of the judicial district encompassing the
41 16 county shall appoint the advocate.
41 17 b. The court or, if the advocate is appointed by the county
41 18 board of supervisors, the board shall assign the advocate
41 19 appointed from the person's county of legal settlement to
41 20 represent the interests of the person. If a person has no
41 21 county of legal settlement, the court or, if the advocate
41 22 is appointed by the county board of supervisors, the board
41 23 shall assign the advocate appointed from the county where the
41 24 treatment facility is located to represent the interests of the
41 25 person.
41 26 c. The advocate's responsibility with respect to any
41 27 person shall begin at whatever time the attorney employed
41 28 or appointed to represent that person as respondent in
41 29 commitment proceedings, conducted under sections 125.75 to
41 30 125.83, reports to the court that the attorney's services
41 31 are no longer required and requests the court's approval to
41 32 withdraw as counsel for that person. However, if the person is
41 33 found to be a person with a substance-related disorder at the
41 34 commitment hearing, the attorney representing the person shall
41 35 automatically be relieved of responsibility in the case and an



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42 1 advocate shall be assigned to the person at the conclusion of
42 2 the hearing unless the attorney indicates an intent to continue
42 3 the attorney's services and the court so directs. If the
42 4 court directs the attorney to remain on the case, the attorney
42 5 shall assume all the duties of an advocate. The clerk shall
42 6 furnish the advocate with a copy of the court's order approving
42 7 the withdrawal and shall inform the person of the name of the
42 8 person's advocate.
42 9 d. With regard to each person whose interests the advocate
42 10 is required to represent pursuant to this section, the
42 11 advocate's duties shall include all of the following:
42 12 (1) To review each report submitted pursuant to sections
42 13 125.84 and 125.86.
42 14 (2) If the advocate is not an attorney, to advise the court
42 15 at any time it appears that the services of an attorney are
42 16 required to properly safeguard the person's interests.
42 17 (3) To be readily accessible to communications from the
42 18 person and to originate communications with the patient within
42 19 five days of the person's commitment.
42 20 (4) To visit the person within fifteen days of the person's
42 21 commitment and periodically thereafter.
42 22 (5) To communicate with medical personnel treating the
42 23 person and to review the person's medical records pursuant to
42 24 section 125.93.
42 25 (6) To file with the court quarterly reports, and additional
42 26 reports as the advocate feels necessary or as required by the
42 27 court, in a form prescribed by the court. The reports shall
42 28 state what actions the advocate has taken with respect to each
42 29 person and the amount of time spent.
42 30 2. The treatment facility to which a person is committed
42 31 shall grant all reasonable requests of the advocate to visit
42 32 the person, to communicate with medical personnel treating the
42 33 person, and to review the person's medical records pursuant to
42 34 section 125.93. An advocate shall not disseminate information
42 35 from a person's medical records to any other person unless done



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43 1 for official purposes in connection with the advocate's duties
43 2 pursuant to this chapter or when required by law.
43 3 3. The court or, if the advocate is appointed by the
43 4 county board of supervisors, the board shall prescribe
43 5 reasonable compensation for the services of the advocate. The
43 6 compensation shall be based upon the reports filed by the
43 7 advocate with the court. The advocate's compensation shall
43 8 be paid by the county in which the court is located, either
43 9 on order of the court or, if the advocate is appointed by the
43 10 county board of supervisors, on the direction of the board.
43 11 If the advocate is appointed by the court, the advocate is an
43 12 employee of the state for purposes of chapter 669. If the
43 13 advocate is appointed by the county board of supervisors, the
43 14 advocate is an employee of the county for purposes of chapter
43 15 670. If the person or another person who is legally liable for
43 16 the person's support is not indigent, the board shall recover
43 17 the costs of compensating the advocate from that other person.
43 18 If that other person has an income level as determined pursuant
43 19 to section 815.9 greater than one hundred percent but not more
43 20 than one hundred fifty percent of the poverty guidelines, at
43 21 least one hundred dollars of the advocate's compensation shall
43 22 be recovered in the manner prescribed by the county board of
43 23 supervisors. If that other person has an income level as
43 24 determined pursuant to section 815.9 greater than one hundred
43 25 fifty percent of the poverty guidelines, at least two hundred
43 26 dollars of the advocate's compensation shall be recovered in
43 27 substantially the same manner prescribed by the county board of
43 28 supervisors as provided in section 815.9.
43 29 Sec. 59. Section 229.1, subsection 14, Code 2011, is amended
43 30 by striking the subsection and inserting in lieu thereof the
43 31 following:
43 32 14. "Mental health professional" means the same as defined
43 33 in section 228.1.
43 34 Sec. 60. Section 229.1, subsection 16, Code 2011, is amended
43 35 to read as follows:



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44 1 16. "Serious emotional injury" is an injury which does not
44 2 necessarily exhibit any physical characteristics, but which can
44 3 be recognized and diagnosed by a licensed physician or other
44 4 ~~qualified~~ mental health professional and which can be causally
44 5 connected with the act or omission of a person who is, or is
44 6 alleged to be, mentally ill.

44 7 Sec. 61. Section 229.10, subsection 1, paragraphs b and c,
44 8 Code 2011, are amended to read as follows:

44 9 b. Any licensed physician conducting an examination pursuant
44 10 to this section may consult with or request the participation
44 11 in the examination of any ~~qualified~~ mental health professional,
44 12 and may include with or attach to the written report of the
44 13 examination any findings or observations by any ~~qualified~~
44 14 mental health professional who has been so consulted or has so
44 15 participated in the examination.

44 16 c. If the respondent is not taken into custody under
44 17 section 229.11, but the court is subsequently informed that
44 18 the respondent has declined to be examined by the licensed
44 19 physician or physicians pursuant to the court order, the
44 20 court may order ~~such limited detention of that~~ the respondent
44 21 as is necessary be detained for a period of not more than
44 22 twenty-three hours to facilitate the examination of the
44 23 respondent by the licensed physician or physicians or other
44 24 mental health professionals. The detention period begins upon
44 25 the respondent's admission. Except as otherwise provided, the
44 26 court may also order that payment be made to the appropriate
44 27 provider for services associated with the detention period
44 28 under this paragraph.

44 29 Sec. 62. Section 229.12, subsection 3, paragraph b, Code
44 30 2011, is amended to read as follows:

44 31 b. The licensed physician or ~~qualified~~ mental health
44 32 professional who examined the respondent shall be present at
44 33 the hearing unless the court for good cause finds that the
44 34 licensed physician's or ~~qualified~~ mental health professional's
44 35 presence or testimony is not necessary. The applicant,



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45 1 respondent, and the respondent's attorney may waive the
45 2 presence or the telephonic appearance of the licensed physician
45 3 or ~~qualified~~ mental health professional who examined the
45 4 respondent and agree to submit as evidence the written
45 5 report of the licensed physician or ~~qualified~~ mental health
45 6 professional. The respondent's attorney shall inform the
45 7 court if the respondent's attorney reasonably believes that
45 8 the respondent, due to diminished capacity, cannot make an
45 9 adequately considered waiver decision. "Good cause" for finding
45 10 that the testimony of the licensed physician or ~~qualified~~
45 11 mental health professional who examined the respondent is not
45 12 necessary may include but is not limited to such a waiver.
45 13 If the court determines that the testimony of the licensed
45 14 physician or ~~qualified~~ mental health professional is necessary,
45 15 the court may allow the licensed physician or the ~~qualified~~
45 16 mental health professional to testify by telephone.

45 17 Sec. 63. Section 229.15, subsection 3, paragraph a, Code
45 18 2011, is amended to read as follows:

45 19 a. A psychiatric advanced registered nurse practitioner
45 20 treating a patient previously hospitalized under this chapter
45 21 may complete periodic reports pursuant to this section on the
45 22 patient if the patient has been recommended for treatment on
45 23 an outpatient or other appropriate basis pursuant to section
45 24 229.14, subsection 1, paragraph "c", ~~and if a psychiatrist~~
~~45 25 licensed pursuant to chapter 148 personally evaluates the~~
~~45 26 patient on at least an annual basis.~~

45 27 Sec. 64. Section 229.21, subsection 2, Code 2011, is amended
45 28 to read as follows:

45 29 2. When an application for involuntary hospitalization
45 30 under this chapter or an application for involuntary commitment
45 31 or treatment of ~~chronic substance abusers~~ persons with
45 32 substance-related disorders under sections 125.75 to 125.94 is
45 33 filed with the clerk of the district court in any county for
45 34 which a judicial hospitalization referee has been appointed,
45 35 and no district judge, district associate judge, or magistrate



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46 1 who is admitted to the practice of law in this state is
46 2 accessible, the clerk shall immediately notify the referee in
46 3 the manner required by section 229.7 or section 125.77. The
46 4 referee shall discharge all of the duties imposed upon the
46 5 court by sections 229.7 to 229.22 or sections 125.75 to 125.94
46 6 in the proceeding so initiated. Subject to the provisions
46 7 of subsection 4, orders issued by a referee, in discharge of
46 8 duties imposed under this section, shall have the same force
46 9 and effect as if ordered by a district judge. However, any
46 10 commitment to a facility regulated and operated under chapter
46 11 135C, shall be in accordance with section 135C.23.
46 12 Sec. 65. Section 229.21, subsection 3, paragraphs a and b,
46 13 Code 2011, are amended to read as follows:
46 14 a. Any respondent with respect to whom the magistrate or
46 15 judicial hospitalization referee has found the contention that
46 16 the respondent is seriously mentally impaired or a ~~chronic~~
46 17 ~~substance abuser~~ person with a substance-related disorder
46 18 sustained by clear and convincing evidence presented at a
46 19 hearing held under section 229.12 or section 125.82, may appeal
46 20 from the magistrate's or referee's finding to a judge of the
46 21 district court by giving the clerk notice in writing, within
46 22 ten days after the magistrate's or referee's finding is made,
46 23 that an appeal is taken. The appeal may be signed by the
46 24 respondent or by the respondent's next friend, guardian, or
46 25 attorney.
46 26 b. An order of a magistrate or judicial hospitalization
46 27 referee with a finding that the respondent is seriously
46 28 mentally impaired or a ~~chronic substance abuser~~ person with a
46 29 substance-related disorder shall include the following notice,
46 30 located conspicuously on the face of the order:
46 31 NOTE: The respondent may appeal from this order to a judge of
46 32 the district court by giving written notice of the appeal to
46 33 the clerk of the district court within ten days after the date
46 34 of this order. The appeal may be signed by the respondent or
46 35 by the respondent's next friend, guardian, or attorney. For a



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47 1 more complete description of the respondent's appeal rights,
47 2 consult section 229.21 of the Code of Iowa or an attorney.
47 3 Sec. 66. Section 229.21, subsection 4, Code 2011, is amended
47 4 to read as follows:

47 5 4. If the appellant is in custody under the jurisdiction
47 6 of the district court at the time of service of the notice of
47 7 appeal, the appellant shall be discharged from custody unless
47 8 an order that the appellant be taken into immediate custody has
47 9 previously been issued under section 229.11 or section 125.81,
47 10 in which case the appellant shall be detained as provided in
47 11 that section until the hospitalization or commitment hearing
47 12 before the district judge. If the appellant is in the custody
47 13 of a hospital or facility at the time of service of the notice
47 14 of appeal, the appellant shall be discharged from custody
47 15 pending disposition of the appeal unless the chief medical
47 16 officer, not later than the end of the next secular day on
47 17 which the office of the clerk is open and which follows service
47 18 of the notice of appeal, files with the clerk a certification
47 19 that in the chief medical officer's opinion the appellant
47 20 is seriously mentally ill or a ~~substance abuser~~ person with
47 21 a substance-related disorder. In that case, the appellant
47 22 shall remain in custody of the hospital or facility until the
47 23 hospitalization or commitment hearing before the district
47 24 court.

47 25 Sec. 67. Section 230.15, unnumbered paragraph 2, Code 2011,
47 26 is amended to read as follows:

47 27 A ~~substance abuser or chronic substance abuser~~ person
47 28 with a substance-related disorder is legally liable for the
47 29 total amount of the cost of providing care, maintenance, and
47 30 treatment for the ~~substance abuser or chronic substance abuser~~
47 31 person with a substance-related disorder while a voluntary or
47 32 committed patient. When a portion of the cost is paid by a
47 33 county, the ~~substance abuser or chronic substance abuser~~ person
47 34 with a substance-related disorder is legally liable to the
47 35 county for the amount paid. The ~~substance abuser or chronic~~



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~~48 1 substance abuser~~ person with a substance-related disorder
48 2 shall assign any claim for reimbursement under any contract
48 3 of indemnity, by insurance or otherwise, providing for the
48 4 ~~abuser's~~ person's care, maintenance, and treatment in a state
48 5 hospital to the state. Any payments received by the state from
48 6 or on behalf of a ~~substance abuser or chronic substance abuser~~
~~48 7~~ person with a substance-related disorder shall be in part
48 8 credited to the county in proportion to the share of the costs
48 9 paid by the county. Nothing in this section shall be construed
48 10 to prevent a relative or other person from voluntarily paying
48 11 the full actual cost or any portion of the care and treatment
48 12 of any person with mental illness, ~~substance abuser, or chronic~~
~~48 13 substance abuser~~ or a substance-related disorder as established
48 14 by the department of human services.
48 15 Sec. 68. Section 232.116, subsection 1, paragraph 1,
48 16 subparagraph (2), Code 2011, is amended to read as follows:
48 17 (2) The parent has a severe, ~~chronic substance abuse~~
~~48 18 problem,~~ substance-related disorder and presents a danger to
48 19 self or others as evidenced by prior acts.
48 20 Sec. 69. Section 600A.8, subsection 8, paragraph a, Code
48 21 2011, is amended to read as follows:
48 22 a. The parent has been determined to be a ~~chronic substance~~
~~48 23 abuser~~ person with a substance-related disorder as defined
48 24 in section 125.2 and the parent has committed a second or
48 25 subsequent domestic abuse assault pursuant to section 708.2A.
48 26 Sec. 70. Section 602.4201, subsection 3, paragraph h, Code
48 27 2011, is amended to read as follows:
48 28 h. Involuntary commitment or treatment of ~~substance abusers~~
~~48 29~~ persons with a substance-related disorders.
48 30 Sec. 71. CONFORMING PROVISIONS. The legislative services
48 31 agency shall prepare a study bill for consideration by the
48 32 committee on human resources of the senate and the house of
48 33 representatives for the 2012 legislative session, providing any
48 34 addition necessary conforming Code changes for implementation
48 35 of the provisions of this division of this Act.



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49 1 Sec. 72. EFFECTIVE DATE. This division of this Act takes
49 2 effect July 1, 2012.

49	3	EXPLANATION
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49 4 This bill relates to mental health and disability services
49 5 and substance-related disorders and mental illness commitment
49 6 proceedings and makes appropriations. The bill is organized
49 7 into divisions.

49 8 SERVICES SYSTEM REDESIGN ===== FUNDING. This division states
49 9 legislative intent to redesign the services system for mental
49 10 health, intellectual and other developmental disabilities, and
49 11 brain injury over the next several years.

49 12 2011 Iowa Acts, Senate File 209, provides for the repeal of
49 13 the statutory authority for significant elements of the county
49 14 administered adult mental health and intellectual and other
49 15 developmental disability services effective July 1, 2013.

49 16 The division states legislative intent to implement the
49 17 redesign by having the department of human services assume
49 18 responsibility for administering publicly funded mental health
49 19 services for adults and children beginning on July 1, 2012.

49 20 The legislative council is requested to authorize a
49 21 legislative interim committee during the 2011 legislative
49 22 interim to develop a plan for the mental health services
49 23 redesign for consideration by the general assembly in the 2012
49 24 legislative session. The plan is required to identify clear
49 25 definitions and requirements for core services, outcomes that
49 26 focus on consumer needs, and various other elements of the
49 27 system.

49 28 The departments of human services and public health are
49 29 required to develop and submit proposals relating to services
49 30 addressing co-occurring mental health and substance abuse
49 31 disorders and to address service provider shortages, including
49 32 barriers to recruiting providers. The departments are required
49 33 to submit the proposals to the governor and general assembly
49 34 on or before December 15, 2011.

49 35 The legislative council is also requested to either



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50 1 continue the 2011 legislative interim committee or authorize
50 2 a different legislative interim committee to meet during
50 3 the 2012 legislative interim to develop a redesign plan for
50 4 the department of human services to assume responsibility
50 5 for administration of intellectual and other developmental
50 6 disabilities and brain injury services. The plan is to include
50 7 elements similar to the plan for mental health services and is
50 8 to be submitted for consideration and enactment in the 2013
50 9 legislative session.

50 10 A directive is provided for continuation of the judicial
50 11 branch and department of human services workgroup which met
50 12 during the 2010 legislative interim to improve the processes
50 13 for involuntary commitment for substance abuse under Code
50 14 chapter 125 and serious mental illness under Code chapter 229.
50 15 Additional recommendation requirements are added along with a
50 16 requirement to report by December 15, 2011.

50 17 The departments of human services and public health, and
50 18 the community services affiliate of the Iowa state association
50 19 of counties are required to agree on implementation of an
50 20 integrated data and statistical information system for mental
50 21 health, disability, and substance abuse services and report to
50 22 the governor and representatives of the legislative branch by
50 23 December 15, 2011.

50 24 New Code section 225C.7A, creates a new disability services
50 25 system redesign savings fund to which savings resulting from
50 26 implementation of services system efficiencies are to be
50 27 credited. Moneys in the fund are required to be appropriated
50 28 to implement services system improvements.

50 29 APPROPRIATIONS AND CONFORMING PROVISIONS. This division
50 30 addresses conforming statutory provisions and provides
50 31 appropriations.

50 32 The legislative services agency is required to prepare a
50 33 study bill for the committees on human resources of the senate
50 34 and house of representatives for the 2012 legislative session
50 35 providing any conforming Code changes for implementation of the



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51 1 sytem redesign provisions contained in the bill.
51 2 In 2011 Iowa Acts, Senate File 209, an appropriation was made
51 3 from the general fund of the state for fiscal year 2010=2011
51 4 to the property tax relief to be distributed in accordance
51 5 with a later enactment. The bill provides for the Senate File
51 6 209 appropriation to be credited to the risk pool within the
51 7 property tax relief fund. The risk pool board is required
51 8 to implement a distribution process that will ensure there
51 9 is sufficient funding to eliminate the need for continuing,
51 10 instituting, or reinstituting waiting lists for services
51 11 covered under county service management plans through June 30,
51 12 2012.
51 13 An appropriation is provided to the department of human
51 14 services for costs associated with implementation of the
51 15 division.
51 16 The division takes effect upon enactment.
51 17 PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN. This
51 18 division relates to psychiatric medical institutions for
51 19 children (PMICs).
51 20 Code section 135H.3, relating to the nature of care
51 21 provided, is amended to provide that the membership of the team
51 22 of professionals utilized by a PMIC may include an advanced
51 23 registered nurse practitioner.
51 24 Code section 135H.6, relating to conditions for issuance of
51 25 a PMIC license, is amended to provide that the requirement for
51 26 a certificate of need and the limitation on the number of beds
51 27 statewide for PMICs does not apply to beds for children who do
51 28 not reside in this state and whose service costs are not paid
51 29 by public funds in this state.
51 30 Code section 249A.31, relating to cost-based reimbursement
51 31 under the medical assistance (Medicaid) program, is amended to
51 32 provide that effective July 1, 2012, Medicaid reimbursement for
51 33 PMIC providers will be provided in accordance with the managed
51 34 care contract for authorizing PMIC services.
51 35 The department of human services is required to issue a



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52 1 request for proposals to procure a contractor to authorize,
52 2 reimburse, and manage PMIC benefits under the Medicaid program.
52 3 The department is prohibited from procuring the contract
52 4 through a sole source or other limited selection process.
52 5 The department of human services is required to work with the
52 6 department of inspections and appeals to develop a second level
52 7 of PMIC care for children in need of more intensive treatment.
52 8 Limitations on numbers of level 2 beds and providers are
52 9 applicable.
52 10 MEDICATION THERAPY MANAGEMENT. This division relates to
52 11 implementation of medication therapy management provisions
52 12 under the Medicaid program in new Code section 249A.20B. The
52 13 department of human services is required to implement the
52 14 provisions through a request for proposals process to select a
52 15 contractor beginning July 1, 2012.
52 16 Criteria for participation by individuals who take a number
52 17 of prescription drugs, fees and reimbursement provisions, and
52 18 definitions are included.
52 19 The division takes effect upon enactment.
52 20 COMMUNITY MENTAL HEALTH CENTERS. This division relates to
52 21 the requirements of community mental health centers under Code
52 22 chapter 230A and repeals and replaces Code chapter 230A which
52 23 was originally enacted by 1974 Iowa Acts, chapter 1160.
52 24 The division maintains the requirements under current law
52 25 for accreditation of community mental health centers to be
52 26 performed by the department of human services (DHS), division
52 27 of mental health and disability services, in accordance
52 28 with standards adopted by the mental health and disability
52 29 services commission. 2008 Iowa Acts, chapter 1187, required
52 30 the division to utilize an advisory group to develop a
52 31 proposal for revising Code chapter 230A and for revising the
52 32 accreditation process for centers. Until the proposal has been
52 33 considered and acted upon by the general assembly, the division
52 34 administrator is authorized to defer consideration of requests
52 35 for accreditation of a new community mental health center or



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53 1 for approval of a provider to fill the role of a center. The
53 2 proposal was submitted to the governor and general assembly
53 3 April 17, 2009. The division provides for implementation of
53 4 the proposal.

53 5 The current Code chapter provides for community mental
53 6 health centers to either be directly established by a county
53 7 or counties and administered by a board of trustees or by
53 8 establishment of a nonprofit corporation operating on the basis
53 9 of an agreement with a county or counties. Code section 225C.7
53 10 allows the department of human services to authorize the center
53 11 services to be provided by an alternative provider.

53 12 The division of the bill replaces this approach by requiring
53 13 the mental health and disability services division and
53 14 commission to identify catchment areas of counties to be served
53 15 by a center. The general requirement is for one center to be
53 16 designated to serve a catchment area but more than one can
53 17 be designated if exceptional circumstances outlined in the
53 18 division are determined to exist.

53 19 New Code section 230A.101 describes the regulatory and
53 20 policy role to be filled by the department and the service
53 21 provider role of the community mental health centers.

53 22 New Code section 230A.102 provides definitions. These
53 23 terms, defined in Code chapter 225C, are adopted by reference:
53 24 "administrator" (administrator of MH and disability services
53 25 division), "commission" (mental health and disability services
53 26 commission), "department" (DHS), "disability services"
53 27 (services and other support available to a person with mental
53 28 illness, MR or other developmental disability or brain injury),
53 29 and "division" (MH and disability services division). In
53 30 addition, the terms "community mental health center" and
53 31 "catchment area" are defined to reflect the contents of the
53 32 division.

53 33 New Code section 230A.103 provides criteria to be
53 34 implemented by the division for designation of at least one
53 35 community mental health center to serve a catchment area



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54 1 consisting of a county or counties. Various operating and
54 2 services requirements are to be addressed in the terms of an
54 3 agreement between the designated center, the division, and the
54 4 counties comprising the catchment area.

54 5 New Code section 230A.104 provides for the division to
54 6 implement objective criteria for identifying catchment areas
54 7 for centers. A general limitation of one center per catchment
54 8 area is stated, however, the criteria are to include a formal
54 9 review process for use in determining whether exceptional
54 10 circumstances exist for designating more than one center
54 11 for a catchment area. The other stated criteria involve
54 12 determinations of financial viability for a center to operate.

54 13 New Code section 230A.105 lists the characteristics of the
54 14 target population required to be served by a center. The
54 15 list includes individuals of any age experiencing a mental
54 16 health crisis or disorder, adults who have a serious or chronic
54 17 mental illness, children and youth experiencing a serious
54 18 emotional disturbance, and listed individuals who also have a
54 19 co-occurring disorder. The specific clinical and financial
54 20 eligibility criteria are required to be identified in rules
54 21 adopted by the commission.

54 22 New Code section 230A.106 requires each designated center
54 23 to offer core services and support addressing the basic mental
54 24 health and safety needs of the target population and other
54 25 residents of the catchment area. The core services are to be
54 26 identified in rules adopted by the commission.

54 27 An initial list of core services is specified to include the
54 28 following: outpatient services; 24-hour emergency services;
54 29 day treatment, partial hospitalization, or psychological
54 30 rehabilitation services; admission screening for voluntary
54 31 patients; community support services; consultation services;
54 32 and education services.

54 33 In addition, a center is responsible for coordinating
54 34 associated services provided by other unaffiliated agencies to
54 35 members of the target population and for integrating services



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55 1 provided to the target population in residential or inpatient
55 2 settings.
55 3 New Code section 230A.107 requires a designated center to be
55 4 organized as a nonprofit corporation. However, a for-profit
55 5 corporation, nonprofit corporation, or county hospital
55 6 providing services under a waiver approved as of October 1,
55 7 2010, may also be designated.
55 8 New Code section 230A.108 requires release of
55 9 administrative, diagnostic, and demographic information as a
55 10 condition of support by any of the counties in the catchment
55 11 area served by a center. Language with a similar requirement
55 12 is part of current law in Code section 230A.13, relating to
55 13 annual budgets of centers.
55 14 New Code section 230A.109 states legislative intent
55 15 regarding provision of federal and state funding supporting
55 16 centers and for the amount of funding to be sufficient for
55 17 core services to be provided regardless of an individual's
55 18 ability to pay for the services. This section also states that
55 19 provision of services is subject to the availability of payment
55 20 sources for the services.
55 21 New Code section 230A.110 provides for accreditation
55 22 standards for centers to be recommended by the division
55 23 and adopted by the commission. The standards are to be in
55 24 substantial conformity with certain national standards. The
55 25 division is directed to use an advisory committee to assist in
55 26 standards development. In addition, the standards recommended
55 27 are required to include various organizational requirements.
55 28 New Code section 230A.111 addresses how the review and
55 29 evaluation components of the accreditation process are to be
55 30 performed.
55 31 An implementation section authorizes centers operating
55 32 under current law as of June 30, 2012, to continue operating
55 33 until the rules are adopted, catchment areas are identified,
55 34 and centers are designated, as required by the division of the
55 35 bill. The division and commission are required to complete



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56 1 those requirements on or before June 30, 2012.
56 2 Except for the requirement for the division and commission
56 3 to develop administrative rules, which takes effect July 1,
56 4 2011, the division takes effect July 1, 2012.
56 5 PERSONS WITH SUBSTANCE=RELATED DISORDERS AND PERSONS
56 6 WITH MENTAL ILLNESS. This division makes various changes
56 7 to Code chapters 125 (chemical substance abuse) and 229
56 8 (hospitalization of persons with mental illness).
56 9 Code chapter 125: The division replaces the terms "chemical
56 10 dependency", "chronic substance abuser", and "substance abuser"
56 11 in Code chapter 125 with the terms "substance=related disorder"
56 12 or "person with a substance=related disorder", and makes
56 13 conforming Code changes. A "substance=related disorder" is
56 14 defined as a diagnosable substance abuse disorder of sufficient
56 15 duration to meet diagnostic criteria specified within the
56 16 most current diagnostic and statistical manual of mental
56 17 disorders published by the American psychiatric association
56 18 that results in a functional impairment. The division also
56 19 replaces the term "intoxicated person" with the term "a
56 20 person with a substance=related disorder due to intoxication
56 21 or substance=induced intoxication" and makes conforming Code
56 22 changes.
56 23 The division provides that a peace officer who
56 24 has reasonable grounds to believe that a person with
56 25 a substance=related disorder due to intoxication or
56 26 substance=induced incapacitation who has threatened or
56 27 inflicted physical self=harm or harm on another person in an
56 28 emergency situation who also demonstrates a significant degree
56 29 or distress or dysfunction may be delivered to a facility by
56 30 someone other than a peace officer upon a showing of reasonable
56 31 grounds.
56 32 New Code section 125.95 provides for the appointment
56 33 of an advocate to represent the interests of persons with
56 34 substance=related disorders in any matter relating to the
56 35 person's commitment for treatment, either by the county board



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57 1 of supervisors or the chief judge of the appropriate judicial
57 2 district. The advocate's duties include reviewing reports,
57 3 visiting the person who has been committed, communicating with
57 4 medical personnel treating the person, and filing reports with
57 5 the court. The advocate shall receive reasonable compensation
57 6 for the advocate's services.

57 7 Code chapter 229: The division replaces the term "qualified
57 8 mental health professional" with the term "mental health
57 9 professional", defined as an individual who holds at least a
57 10 master's degree in a mental health field, including but not
57 11 limited to psychology, counseling and guidance, nursing, and
57 12 social work, or the individual is a physician and surgeon or an
57 13 osteopathic physician and surgeon, holds a current Iowa license
57 14 if practicing in a field covered by an Iowa licensure law, and
57 15 has at least two years of post-degree clinical experience,
57 16 supervised by another mental health professional, in assessing
57 17 mental health needs and problems and in providing appropriate
57 18 mental health services. This definition is the same
57 19 definition for a mental health professional contained in Code
57 20 section 228.1 (disclosure of mental health and psychological
57 21 information).

57 22 The division provides in Code section 229.10, relating to
57 23 physician's examination and report, that a person who is the
57 24 subject of an application for involuntary hospitalization who
57 25 has declined to be examined pursuant to court order may be
57 26 ordered by the court to be detained for not more than a 23-hour
57 27 period to facilitate the examination. The court may also order
57 28 that payment be made to the appropriate provider for services
57 29 associated with the detention.

57 30 Code section 229.15, relating to periodic reports required
57 31 by care providers, is amended to eliminate a requirement for
57 32 patients receiving outpatient treatment from an advanced
57 33 registered nurse practitioner to have an annual personal
57 34 evaluation from a psychiatrist.

57 35 The division takes effect July 1, 2012.



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House Resolution 47 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY SHAW, ALONS, DE?BOEF, MASSIE, and PEARSON

1 1 A Resolution impeaching Supreme Court Justice Brent R.
1 2 Appel for malfeasance in office.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 4 That Supreme Court Justice Brent R. Appel is impeached
1 5 for malfeasance in office, and that the following
1 6 article of impeachment be exhibited and presented to
1 7 the Senate:

1 8 That Supreme Court Justice Brent R. Appel in
1 9 violation of his constitutional oath undertaken before
1 10 taking office to support the Constitution of the United
1 11 States and the Constitution of the State of Iowa, has
1 12 committed malfeasance in office through his action to
1 13 sanction marriage between persons of the same sex in
1 14 the Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009), ruling
1 15 issued on April 3, 2009, by the following conduct:

1 16 ARTICLE I

1 17 By unconstitutionally exercising functions properly
1 18 belonging to the legislative and executive departments
1 19 as follows:

1 20 (1) By his action in the Varnum case, Justice Appel
1 21 improperly assumed the function and role of an elected
1 22 legislator by ordering that the language in Iowa Code
1 23 section 595.2 limiting civil marriage to a man and a
1 24 woman must be stricken from the statute as enacted by
1 25 the legislative department and approved by the governor
1 26 of the executive department in 1998.

1 27 (2) By his action in the Varnum case, Justice Appel
1 28 knowingly and intentionally usurped the proper function



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House Resolution 47 - Introduced continued

2 1 delegated solely and exclusively to the legislative
2 2 department of declaring public policy, through his
2 3 judicial declaration of a new public policy contrary to
2 4 long-standing public policy acknowledged by society and
2 5 established in Iowa Code section 595.2, subsection 1.

2 6 (3) By his action in the Varnum case, Justice Appel
2 7 has improperly required the executive department to
2 8 issue marriage licenses to parties of the same sex in
2 9 direct contravention of Iowa Code section 595.2.

2 10 (4) By his action in the Varnum case, Justice Appel
2 11 has created a constitutional crisis regarding the
2 12 enforcement of the Varnum ruling by allowing different
2 13 interpretations of the definition of marriage to
2 14 exist indefinitely within the separate departments of
2 15 government, leaving the people with no immediate remedy
2 16 to address this crisis.

2 17 (5) By his action in the Varnum case, Justice
2 18 Appel has created a constitutional imbalance and
2 19 confusion within the State of Iowa as to the proper
2 20 constitutional function of each department, thus
2 21 undermining the integrity of the tripartite separation
2 22 of powers among the departments and creating social
2 23 disorder and unrest.

2 24 BE IT FURTHER RESOLVED BY THE HOUSE, That the
2 25 conduct of Supreme Court Justice Brent R. Appel, in
2 26 committing malfeasance in office, warrants impeachment,
2 27 trial by the Senate, and removal and disqualification
2 28 from any office of honor, trust, or profit under the
2 29 state pursuant to the procedures set out in Iowa Code
2 30 chapter 68.

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House Resolution 48 - Introduced

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HOUSE RESOLUTION NO.

BY SHAW, ALONS, DE?BOEF, MASSIE, and PEARSON

1 1 A Resolution impeaching Supreme Court Chief Justice
1 2 Mark S. Cady for malfeasance in office.
1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 4 Supreme Court Chief Justice Mark S. Cady is impeached
1 5 for malfeasance in office, and that the following
1 6 article of impeachment be exhibited and presented to
1 7 the Senate:

1 8 That Supreme Court Chief Justice Mark S. Cady in
1 9 violation of his constitutional oath undertaken before
1 10 taking office to support the Constitution of the United
1 11 States and the Constitution of the State of Iowa, has
1 12 committed malfeasance in office through his action to
1 13 sanction marriage between persons of the same sex in
1 14 the Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009), ruling
1 15 issued on April 3, 2009, by the following conduct:

1 16 ARTICLE I

1 17 By unconstitutionally exercising functions properly
1 18 belonging to the legislative and executive departments
1 19 as follows:

1 20 (1) By his action in the Varnum case, Chief Justice
1 21 Cady improperly assumed the function and role of an
1 22 elected legislator by ordering that the language in
1 23 Iowa Code section 595.2 limiting civil marriage to a
1 24 man and a woman must be stricken from the statute as
1 25 enacted by the legislative department and approved by
1 26 the governor of the executive department in 1998.

1 27 (2) By his action in the Varnum case, Chief Justice
1 28 Cady knowingly and intentionally usurped the proper



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House Resolution 48 - Introduced continued

2 1 function delegated solely and exclusively to the
2 2 legislative department of declaring public policy,
2 3 through his judicial declaration of a new public policy
2 4 contrary to long-standing public policy acknowledged
2 5 by society and established in Iowa Code section 595.2,
2 6 subsection 1.
2 7 (3) By his action in the Varnum case, Chief Justice
2 8 Cady has improperly required the executive department
2 9 to issue marriage licenses to parties of the same sex
2 10 in direct contravention of Iowa Code section 595.2.
2 11 (4) By his action in the Varnum case, Chief Justice
2 12 Cady has created a constitutional crisis regarding the
2 13 enforcement of the Varnum ruling by allowing different
2 14 interpretations of the definition of marriage to
2 15 exist indefinitely within the separate departments of
2 16 government, leaving the people with no immediate remedy
2 17 to address this crisis.
2 18 (5) By his action in the Varnum case, Chief Justice
2 19 Cady has created a constitutional imbalance and
2 20 confusion within the State of Iowa as to the proper
2 21 constitutional function of each department, thus
2 22 undermining the integrity of the tripartite separation
2 23 of powers among the departments and creating social
2 24 disorder and unrest.
2 25 BE IT FURTHER RESOLVED BY THE HOUSE, That the
2 26 conduct of Supreme Court Chief Justice Mark S. Cady, in
2 27 committing malfeasance in office, warrants impeachment,
2 28 trial by the Senate, and removal and disqualification
2 29 from any office of honor, trust, or profit under the
2 30 state pursuant to the procedures set out in Iowa Code



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House Resolution 48 - Introduced continued

3 1 chapter 68.
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House Resolution 49 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY SHAW, ALONS, DE?BOEF, MASSIE, and PEARSON

1 1 A Resolution impeaching Supreme Court Justice Daryl L.
1 2 Hecht for malfeasance in office.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
1 4 That Supreme Court Justice Daryl L. Hecht is impeached
1 5 for malfeasance in office, and that the following
1 6 article of impeachment be exhibited and presented to
1 7 the Senate:

1 8 That Supreme Court Justice Daryl L. Hecht in
1 9 violation of his constitutional oath undertaken before
1 10 taking office to support the Constitution of the United
1 11 States and the Constitution of the State of Iowa, has
1 12 committed malfeasance in office through his action to
1 13 sanction marriage between persons of the same sex in
1 14 the Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009), ruling
1 15 issued on April 3, 2009, by the following conduct:

1 16 ARTICLE I

1 17 By unconstitutionally exercising functions properly
1 18 belonging to the legislative and executive departments
1 19 as follows:

1 20 (1) By his action in the Varnum case, Justice Hecht
1 21 improperly assumed the function and role of an elected
1 22 legislator by ordering that the language in Iowa Code
1 23 section 595.2 limiting civil marriage to a man and a
1 24 woman must be stricken from the statute as enacted by
1 25 the legislative department and approved by the governor
1 26 of the executive department in 1998.

1 27 (2) By his action in the Varnum case, Justice Hecht
1 28 knowingly and intentionally usurped the proper function



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House Resolution 49 - Introduced continued

2 1 delegated solely and exclusively to the legislative
2 2 department of declaring public policy, through his
2 3 judicial declaration of a new public policy contrary to
2 4 long-standing public policy acknowledged by society and
2 5 established in Iowa Code section 595.2, subsection 1.

2 6 (3) By his action in the Varnum case, Justice Hecht
2 7 has improperly required the executive department to
2 8 issue marriage licenses to parties of the same sex in
2 9 direct contravention of Iowa Code section 595.2.

2 10 (4) By his action in the Varnum case, Justice Hecht
2 11 has created a constitutional crisis regarding the
2 12 enforcement of the Varnum ruling by allowing different
2 13 interpretations of the definition of marriage to
2 14 exist indefinitely within the separate departments of
2 15 government, leaving the people with no immediate remedy
2 16 to address this crisis.

2 17 (5) By his action in the Varnum case, Justice
2 18 Hecht has created a constitutional imbalance and
2 19 confusion within the State of Iowa as to the proper
2 20 constitutional function of each department, thus
2 21 undermining the integrity of the tripartite separation
2 22 of powers among the departments and creating social
2 23 disorder and unrest.

2 24 BE IT FURTHER RESOLVED BY THE HOUSE, That the
2 25 conduct of Supreme Court Justice Daryl L. Hecht, in
2 26 committing malfeasance in office, warrants impeachment,
2 27 trial by the Senate, and removal and disqualification
2 28 from any office of honor, trust, or profit under the
2 29 state pursuant to the procedures set out in Iowa Code
2 30 chapter 68.

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House Resolution 50 - Introduced

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HOUSE RESOLUTION NO.

BY SHAW, ALONS, DE?BOEF, MASSIE, and PEARSON

1 1 A Resolution impeaching Supreme Court Justice David S.
1 2 Wiggins for malfeasance in office.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 4 Supreme Court Justice David S. Wiggins is impeached
1 5 for malfeasance in office, and that the following
1 6 article of impeachment be exhibited and presented to
1 7 the Senate:

1 8 That Supreme Court Justice David S. Wiggins in
1 9 violation of his constitutional oath undertaken before
1 10 taking office to support the Constitution of the United
1 11 States and the Constitution of the State of Iowa, has
1 12 committed malfeasance in office through his action to
1 13 sanction marriage between persons of the same sex in
1 14 the Varnum v. Brien, 763 N.W.2d 862 (Iowa 2009), ruling
1 15 issued on April 3, 2009, by the following conduct:

1 16 ARTICLE I

1 17 By unconstitutionally exercising functions properly
1 18 belonging to the legislative and executive departments
1 19 as follows:

1 20 (1) By his action in the Varnum case, Justice
1 21 Wiggins improperly assumed the function and role of
1 22 an elected legislator by ordering that the language in
1 23 Iowa Code section 595.2 limiting civil marriage to a
1 24 man and a woman must be stricken from the statute as
1 25 enacted by the legislative department and approved by
1 26 the governor of the executive department in 1998.

1 27 (2) By his action in the Varnum case, Justice
1 28 Wiggins knowingly and intentionally usurped the proper



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House Resolution 50 - Introduced continued

2 1 function delegated solely and exclusively to the
2 2 legislative department of declaring public policy,
2 3 through his judicial declaration of a new public policy
2 4 contrary to long-standing public policy acknowledged
2 5 by society and established in Iowa Code section 595.2,
2 6 subsection 1.
2 7 (3) By his action in the Varnum case, Justice
2 8 Wiggins has improperly required the executive
2 9 department to issue marriage licenses to parties of the
2 10 same sex in direct contravention of Iowa Code section
2 11 595.2.
2 12 (4) By his action in the Varnum case, Justice
2 13 Wiggins has created a constitutional crisis regarding
2 14 the enforcement of the Varnum ruling by allowing
2 15 different interpretations of the definition of marriage
2 16 to exist indefinitely within the separate departments
2 17 of government, leaving the people with no immediate
2 18 remedy to address this crisis.
2 19 (5) By his action in the Varnum case, Justice
2 20 Wiggins has created a constitutional imbalance and
2 21 confusion within the State of Iowa as to the proper
2 22 constitutional function of each department, thus
2 23 undermining the integrity of the tripartite separation
2 24 of powers among the departments and creating social
2 25 disorder and unrest.
2 26 BE IT FURTHER RESOLVED BY THE HOUSE, That the
2 27 conduct of Supreme Court Justice David S. Wiggins, in
2 28 committing malfeasance in office, warrants impeachment,
2 29 trial by the Senate, and removal and disqualification
2 30 from any office of honor, trust, or profit under the



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House Resolution 50 - Introduced continued

3 1 state pursuant to the procedures set out in Iowa Code
3 2 chapter 68.
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Senate Amendment 3287

PAG LIN

1 1 Amend House File 645, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5
1 6 <DIVISION I
1 7 FY 2011=2012 APPROPRIATIONS
1 8 DEPARTMENT FOR THE BLIND
1 9 Section 1. ADMINISTRATION. There is appropriated
1 10 from the general fund of the state to the department
1 11 for the blind for the fiscal year beginning July 1,
1 12 2011, and ending June 30, 2012, the following amount,
1 13 or so much thereof as is necessary, to be used for the
1 14 purposes designated:
1 15 1. For salaries, support, maintenance,
1 16 miscellaneous purposes, and for not more than the
1 17 following full=time equivalent positions:
1 18 \$ 1,758,156
1 19 FTEs 88.00
1 20 2. For costs associated with universal access to
1 21 audio information over the phone on demand for blind
1 22 and print handicapped Iowans:
1 23 \$ 50,000
1 24 COLLEGE STUDENT AID COMMISSION
1 25 Sec. 2. There is appropriated from the general fund
1 26 of the state to the college student aid commission for
1 27 the fiscal year beginning July 1, 2011, and ending June
1 28 30, 2012, the following amounts, or so much thereof
1 29 as may be necessary, to be used for the purposes
1 30 designated:
1 31 1. GENERAL ADMINISTRATION
1 32 For salaries, support, maintenance, miscellaneous
1 33 purposes, and for not more than the following full=time
1 34 equivalent positions:
1 35 \$ 242,077
1 36 FTEs 3.95
1 37 2. STUDENT AID PROGRAMS
1 38 For payments to students for the Iowa grant program
1 39 established in section 261.93:
1 40 \$ 822,201
1 41 3. DES MOINES UNIVERSITY ==== HEALTH CARE
1 42 PROFESSIONAL RECRUITMENT PROGRAM
1 43 For forgivable loans to Iowa students attending Des
1 44 Moines university ==== osteopathic medical center under
1 45 the forgivable loan program pursuant to section 261.19:
1 46 \$ 338,756
1 47 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
1 48 For purposes of providing national guard educational
1 49 assistance under the program established in section
1 50 261.86:
1 51 \$ 3,186,233



**Iowa General Assembly
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Senate Amendment 3287 continued

2 1 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
2 2 For the teacher shortage loan forgiveness program
2 3 established in section 261.112:
2 4 \$ 407,841
2 5 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
2 6 For purposes of the all Iowa opportunity foster care
2 7 grant program established pursuant to section 261.6:
2 8 \$ 575,783
2 9 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
2 10 a. For purposes of the all Iowa opportunity
2 11 scholarship program established pursuant to section
2 12 261.87:
2 13 \$ 2,328,724
2 14 b. If the moneys appropriated by the general
2 15 assembly to the college student aid commission for
2 16 fiscal year 2011=2012 for purposes of the all Iowa
2 17 opportunity scholarship program exceed \$500,000,
2 18 "eligible institution" as defined in section 261.87,
2 19 shall, during fiscal year 2011=2012, include accredited
2 20 private institutions as defined in section 261.9,
2 21 subsection 1.
2 22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
2 23 FORGIVENESS PROGRAM
2 24 a. For purposes of the registered nurse and nurse
2 25 educator loan forgiveness program established pursuant
2 26 to section 261.23:
2 27 \$ 84,022
2 28 b. It is the intent of the general assembly that
2 29 the commission continue to consider moneys allocated
2 30 pursuant to this subsection as moneys that meet the
2 31 state matching funds requirements of the federal
2 32 leveraging educational assistance program and the
2 33 federal supplemental leveraging educational assistance
2 34 program established under the Higher Education Act of
2 35 1965, as amended.
2 36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
2 37 GRANT PROGRAM
2 38 For purposes of the barber and cosmetology arts and
2 39 sciences tuition grant program established pursuant to
2 40 section 261.18:
2 41 \$ 38,386
2 42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
2 43 section 261.72, the moneys deposited in the
2 44 chiropractic loan revolving fund created pursuant
2 45 to section 261.72 may be used for purposes of the
2 46 chiropractic loan forgiveness program established in
2 47 section 261.73.
2 48 Sec. 4. WORK=STUDY APPROPRIATION FOR FY
2 49 2011=2012.
2 50 Notwithstanding section 261.85, for the fiscal year



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Senate Amendment 3287 continued

3 1 beginning July 1, 2011, and ending June 30, 2012,
3 2 the amount appropriated from the general fund of the
3 3 state to the college student aid commission for the
3 4 work=study program under section 261.85 shall be zero.
3 5 DEPARTMENT OF EDUCATION
3 6 Sec. 5. There is appropriated from the general fund
3 7 of the state to the department of education for the
3 8 fiscal year beginning July 1, 2011, and ending June 30,
3 9 2012, the following amounts, or so much thereof as may
3 10 be necessary, to be used for the purposes designated:
3 11 1. GENERAL ADMINISTRATION
3 12 For salaries, support, maintenance, miscellaneous
3 13 purposes, and for not more than the following full=time
3 14 equivalent positions:
3 15 \$ 6,202,865
3 16 FTEs 81.67
3 17 2. VOCATIONAL EDUCATION ADMINISTRATION
3 18 For salaries, support, maintenance, miscellaneous
3 19 purposes, and for not more than the following full=time
3 20 equivalent positions:
3 21 \$ 449,276
3 22 FTEs 11.50
3 23 3. VOCATIONAL REHABILITATION SERVICES DIVISION
3 24 a. For salaries, support, maintenance,
3 25 miscellaneous purposes, and for not more than the
3 26 following full=time equivalent positions:
3 27 \$ 4,963,168
3 28 FTEs 255.00
3 29 b. For matching funds for programs to enable
3 30 persons with severe physical or mental disabilities to
3 31 function more independently, including salaries and
3 32 support, and for not more than the following full=time
3 33 equivalent position:
3 34 \$ 40,662
3 35 FTEs 1.00
3 36 c. For the entrepreneurs with disabilities program
3 37 established pursuant to section 259.4, subsection 9:
3 38 \$ 151,242
3 39 d. For costs associated with centers for
3 40 independent living:
3 41 \$ 41,874
3 42 4. STATE LIBRARY
3 43 a. For salaries, support, maintenance,
3 44 miscellaneous purposes, and for not more than the
3 45 following full=time equivalent positions:
3 46 \$ 1,257,051
3 47 FTEs 17.00
3 48 b. For the enrich Iowa program established under
3 49 section 256.57:
3 50 \$ 1,739,878



**Iowa General Assembly
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Senate Amendment 3287 continued

4 1 5. LIBRARY SERVICE AREA SYSTEM
4 2 For state aid:
4 3 \$ 1,044,870
4 4 6. PUBLIC BROADCASTING DIVISION
4 5 For salaries, support, maintenance, capital
4 6 expenditures, miscellaneous purposes, and for not more
4 7 than the following full-time equivalent positions:
4 8 \$ 6,914,943
4 9 FTEs 82.00
4 10 7. REGIONAL TELECOMMUNICATIONS COUNCILS
4 11 For state aid:
4 12 \$ 1,031,848
4 13 The regional telecommunications councils established
4 14 in section 8D.5 shall use the moneys appropriated in
4 15 this subsection to provide technical assistance for
4 16 network classrooms, planning and troubleshooting for
4 17 local area networks, scheduling of video sites, and
4 18 other related support activities.
4 19 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
4 20 For reimbursement for vocational education
4 21 expenditures made by secondary schools:
4 22 \$ 2,590,675
4 23 Moneys appropriated in this subsection shall be used
4 24 to reimburse school districts for vocational education
4 25 expenditures made by secondary schools to meet the
4 26 standards set in sections 256.11, 258.4, and 260C.14.
4 27 9. SCHOOL FOOD SERVICE
4 28 For use as state matching funds for federal
4 29 programs that shall be disbursed according to federal
4 30 regulations, including salaries, support, maintenance,
4 31 miscellaneous purposes, and for not more than the
4 32 following full-time equivalent positions:
4 33 \$ 2,121,058
4 34 FTEs 20.58
4 35 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
4 36 For deposit in the school ready children grants
4 37 account of the early childhood Iowa fund created in
4 38 section 256I.11:
4 39 \$ 5,550,606
4 40 a. From the moneys deposited in the school ready
4 41 children grants account for the fiscal year beginning
4 42 July 1, 2011, and ending June 30, 2012, not more than
4 43 \$265,950 is allocated for the early childhood Iowa
4 44 office and other technical assistance activities. The
4 45 early childhood Iowa state board shall direct staff to
4 46 work with the early childhood stakeholders alliance
4 47 created in section 256I.12 to inventory technical
4 48 assistance needs. Moneys allocated under this lettered
4 49 paragraph may be used by the early childhood Iowa state
4 50 board for the purpose of skills development and support



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Senate Amendment 3287 continued

5 1 for ongoing training of staff. However, except as
5 2 otherwise provided in this subsection, moneys shall not
5 3 be used for additional staff or for the reimbursement
5 4 of staff.

5 5 b. As a condition of receiving moneys appropriated
5 6 in this subsection, each early childhood Iowa area
5 7 board shall report to the early childhood Iowa state
5 8 board progress on each of the local indicators approved
5 9 by the area board. Each early childhood Iowa area
5 10 board must also submit an annual budget for the area's
5 11 comprehensive school ready children grant developed for
5 12 providing services for children from birth through five
5 13 years of age, and provide other information specified
5 14 by the early childhood Iowa state board, including
5 15 budget amendments as needed. The early childhood Iowa
5 16 state board shall establish a submission deadline for
5 17 the annual budget and any budget amendments that allow
5 18 a reasonable period of time for preparation by the
5 19 early childhood Iowa area boards and for review and
5 20 approval or request for modification of the materials
5 21 by the early childhood Iowa state board. In addition,
5 22 each early childhood Iowa area board must continue to
5 23 comply with reporting provisions and other requirements
5 24 adopted by the early childhood Iowa state board in
5 25 implementing section 256I.9.

5 26 c. Of the amount appropriated in this subsection
5 27 for deposit in the school ready children grants account
5 28 of the early childhood Iowa fund, \$2,318,018 shall
5 29 be used for efforts to improve the quality of early
5 30 care, health, and education programs. Moneys allocated
5 31 pursuant to this paragraph may be used for additional
5 32 staff and for the reimbursement of staff. The early
5 33 childhood Iowa state board may reserve a portion of the
5 34 allocation, not to exceed \$88,650, for the technical
5 35 assistance expenses of the early childhood Iowa state
5 36 office, including the reimbursement of staff, and
5 37 shall distribute the remainder to early childhood Iowa
5 38 areas for local quality improvement efforts through
5 39 a methodology identified by the early childhood Iowa
5 40 state board to make the most productive use of the
5 41 funding, which may include use of the distribution
5 42 formula, grants, or other means.

5 43 d. Of the amount appropriated in this subsection
5 44 for deposit in the school ready children grants account
5 45 of the early childhood Iowa fund, \$825,030 shall
5 46 be used for support of professional development and
5 47 training activities for persons working in early care,
5 48 health, and education by the early childhood Iowa
5 49 state board in collaboration with the professional
5 50 development component group of the early childhood



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Senate Amendment 3287 continued

6 1 Iowa stakeholders alliance maintained pursuant to
6 2 section 256I.12, subsection 7, paragraph "b", and the
6 3 early childhood Iowa area boards. Expenditures shall
6 4 be limited to professional development and training
6 5 activities agreed upon by the parties participating in
6 6 the collaboration.

6 7 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
6 8 ASSISTANCE

6 9 a. For deposit in the school ready children grants
6 10 account of the early childhood Iowa fund created in
6 11 section 256I.11:
6 12 \$ 7,346,595

6 13 b. The amount appropriated in this subsection shall
6 14 be used for early care, health, and education programs
6 15 to assist low-income parents with tuition for preschool
6 16 and other supportive services for children ages three,
6 17 four, and five who are not attending kindergarten in
6 18 order to increase the basic family income eligibility
6 19 requirement to not more than 200 percent of the federal
6 20 poverty level. In addition, if sufficient funding is
6 21 available after addressing the needs of those who meet
6 22 the basic income eligibility requirement, an early
6 23 childhood Iowa area board may provide for eligibility
6 24 for those with a family income in excess of the basic
6 25 income eligibility requirement through use of a sliding
6 26 scale or other copayment provisions.

6 27 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND
6 28 PARENT EDUCATION

6 29 a. For deposit in the school ready children grants
6 30 account of the early childhood Iowa fund created in
6 31 section 256I.11:
6 32 \$ 12,742,046

6 33 b. The amount appropriated in this subsection
6 34 shall be used for family support services and parent
6 35 education programs targeted to families expecting a
6 36 child or with newborn and infant children through age
6 37 five and shall be distributed using the distribution
6 38 formula approved by the early childhood Iowa state
6 39 board and shall be used by an early childhood Iowa
6 40 area board only for family support services and parent
6 41 education programs targeted to families expecting a
6 42 child or with newborn and infant children through age
6 43 five.

6 44 13. BIRTH TO AGE THREE SERVICES

6 45 For expansion of the federal Individuals with
6 46 Disabilities Education Improvement Act of 2004, Pub.
6 47 L. No. 108=446, as amended to January 1, 2011, birth
6 48 through age three services due to increased numbers of
6 49 children qualifying for those services:
6 50 \$ 1,721,400



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7 1 From the moneys appropriated in this subsection,
7 2 \$383,769 shall be allocated to the child health
7 3 specialty clinic at the state university of Iowa to
7 4 provide additional support for infants and toddlers
7 5 who are born prematurely, drug=exposed, or medically
7 6 fragile.

7 7 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
7 8 To provide moneys for costs of providing textbooks
7 9 to each resident pupil who attends a nonpublic school
7 10 as authorized by section 301.1:
7 11 \$ 582,181
7 12 Funding under this subsection is limited to \$20 per
7 13 pupil and shall not exceed the comparable services
7 14 offered to resident public school pupils.

7 15 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION
7 16 PROGRAM
7 17 For purposes of administering the beginning
7 18 administrator mentoring and induction program
7 19 established pursuant to chapter 284A:
7 20 \$ 189,050

7 21 16. CORE CURRICULUM AND CAREER INFORMATION AND
7 22 DECISION=MAKING SYSTEM
7 23 For purposes of implementing the statewide core
7 24 curriculum for school districts and accredited
7 25 nonpublic schools and a state=designated career
7 26 information and decision=making system:
7 27 \$ 1,842,052

7 28 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
7 29 For purposes of the student achievement and teacher
7 30 quality program established pursuant to chapter
7 31 284, and for not more than the following full=time
7 32 equivalent positions:
7 33 \$ 6,576,638
7 34 FTEs 2.00

7 35 18. COMMUNITY COLLEGES
7 36 a. For general state financial aid to merged
7 37 areas as defined in section 260C.2 in accordance with
7 38 chapters 258 and 260C:
7 39 \$168,774,647

7 40 Notwithstanding the allocation formula in section
7 41 260C.18C, the funds appropriated in this subsection
7 42 shall be allocated as follows:

7 43 (1) Merged Area I \$
8,380,170
7 44 (2) Merged Area II \$
8,811,966
7 45 (3) Merged Area III \$
8,104,003
7 46 (4) Merged Area IV \$
3,983,587
7 47 (5) Merged Area V \$
9,385,889
7 48 (6) Merged Area VI \$
7,762,119
7 49 (7) Merged Area VII \$
11,639,931



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7 50
14,528,717

(8) Merged Area IX \$



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8 1	(9)	Merged Area X	\$	
26,045,064				
8 2	(10)	Merged Area XI	\$	
26,668,472				
8 3	(11)	Merged Area XII	\$	
9,502,706				
8 4	(12)	Merged Area XIII	\$	
9,902,968				
8 5	(13)	Merged Area XIV	\$	
4,049,886				
8 6	(14)	Merged Area XV	\$	
12,688,722				
8 7	(15)	Merged Area XVI	\$	
7,320,447				
8 8	b.	For distribution to community colleges to		
8 9		supplement faculty salaries:		
8 10		.....	\$	825,012
8 11	c.	For purposes of creating a school leadership		
8 12		system that may include the establishment of leadership		
8 13		standards and criteria, training for school leaders,		
8 14		systemic conditions for school leaders, measures to		
8 15		increase public support for school leadership, and		
8 16		strategies to assess, document, and share school		
8 17		leadership progress:		
8 18		.....	\$	200,000
8 19	d.	COMMUNITY COLLEGE WORKFORCE TRAINING AND		
8 20		ECONOMIC DEVELOPMENT FUNDS		
8 21		For deposit in the workforce training and economic		
8 22		development funds created pursuant to section 260C.18A:		
8 23		.....	\$	10,000,000
8 24	Sec. 6.	BOARD OF EDUCATIONAL EXAMINERS LICENSING		
8 25		FEES. Notwithstanding section 272.10, subsection		
8 26		2, in addition to the percentage of licensing fees		
8 27		required to be deposited with the treasurer of state		
8 28		and credited to the general fund of the state pursuant		
8 29		to section 272.10, subsection 2, the executive director		
8 30		of the board of educational examiners shall, at the		
8 31		close of the fiscal year beginning July 1, 2010,		
8 32		transfer the amount of \$523,098 to the department		
8 33		of education for allocation to school districts to		
8 34		provide direct services to the most at-risk senior high		
8 35		school students enrolled in school districts through		
8 36		direct intervention by a jobs for America's graduates		
8 37		specialist.		
8 38	Sec. 7.	DEPARTMENT OF EDUCATION TRANSFERS. There		
8 39		is transferred between the following designated		
8 40		appropriations made to the department of education for		
8 41		the fiscal year beginning July 1, 2010, and ending June		
8 42		30, 2011, not more than the following amounts:		
8 43		From the appropriation made for purposes of the		
8 44		student achievement and teacher quality program in 2010		
8 45		Iowa Acts, chapter 1183, section 6, subsection 18, as		
8 46		follows:		
8 47	1.	To the appropriation made for purposes of		
8 48		vocational education administration in 2010 Iowa Acts,		
8 49		chapter 1183, section 6, subsection 2:		



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8 50 \$ 110,521



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9 1 2. To the appropriation made for purposes of
9 2 vocational education to secondary schools in 2010 Iowa
9 3 Acts, chapter 1183, section 6, subsection 8:
9 4 \$ 39,458
9 5 3. To the appropriation made for purposes of school
9 6 food service in 2010 Iowa Acts, chapter 1183, section
9 7 6, subsection 9:
9 8 \$ 55,739
9 9 STATE BOARD OF REGENTS
9 10 Sec. 8. There is appropriated from the general fund
9 11 of the state to the state board of regents for the
9 12 fiscal year beginning July 1, 2011, and ending June 30,
9 13 2012, the following amounts, or so much thereof as may
9 14 be necessary, to be used for the purposes designated:
9 15 1. OFFICE OF STATE BOARD OF REGENTS
9 16 a. For salaries, support, maintenance,
9 17 miscellaneous purposes, and for not more than the
9 18 following full-time equivalent positions:
9 19 \$ 1,105,123
9 20 FTEs 15.00
9 21 (1) The state board of regents shall submit a
9 22 monthly financial report in a format agreed upon by
9 23 the state board of regents office and the legislative
9 24 services agency.
9 25 (2) The state board of regents may transfer funding
9 26 received under paragraphs "b", "c", and "d" to any
9 27 of the centers specified in paragraph "b", "c", or
9 28 "d" if the board notifies the general assembly in
9 29 writing, including both the legislative council and the
9 30 legislative services agency, of the amount, the date,
9 31 and the purpose of the transfer.
9 32 b. For moneys to be allocated to the southwest Iowa
9 33 graduate studies center:
9 34 \$ 90,766
9 35 c. For moneys to be allocated to the siouxland
9 36 interstate metropolitan planning council for the
9 37 tristate graduate center under section 262.9,
9 38 subsection 22:
9 39 \$ 69,110
9 40 d. For moneys to be allocated to the quad-cities
9 41 graduate studies center:
9 42 \$ 134,665
9 43 e. For moneys to be distributed to Iowa public
9 44 radio for public radio operations:
9 45 \$ 406,318
9 46 2. STATE UNIVERSITY OF IOWA
9 47 a. General university, including lakeside
9 48 laboratory
9 49 For salaries, support, maintenance, equipment,
9 50 miscellaneous purposes, and for not more than the



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10	1	following full=time equivalent positions:		
10	2	\$	217,638,034
10	3	FTEs	5,058.55
10	4	b. Oakdale campus		
10	5	For salaries, support, maintenance, miscellaneous		
10	6	purposes, and for not more than the following full=time		
10	7	equivalent positions:		
10	8	.....	\$	2,268,925
10	9	.....	FTEs	38.25
10	10	c. State hygienic laboratory		
10	11	For salaries, support, maintenance, miscellaneous		
10	12	purposes, and for not more than the following full=time		
10	13	equivalent positions:		
10	14	.....	\$	3,669,943
10	15	.....	FTEs	102.50
10	16	d. Family practice program		
10	17	For allocation by the dean of the college of		
10	18	medicine, with approval of the advisory board, to		
10	19	qualified participants to carry out the provisions		
10	20	of chapter 148D for the family practice program,		
10	21	including salaries and support, and for not more than		
10	22	the following full=time equivalent positions:		
10	23	.....	\$	1,855,628
10	24	.....	FTEs	190.40
10	25	e. Child health care services		
10	26	For specialized child health care services,		
10	27	including childhood cancer diagnostic and treatment		
10	28	network programs, rural comprehensive care for		
10	29	hemophilia patients, and the Iowa high=risk infant		
10	30	follow=up program, including salaries and support, and		
10	31	for not more than the following full=time equivalent		
10	32	positions:		
10	33	.....	\$	684,297
10	34	.....	FTEs	57.97
10	35	f. Statewide cancer registry		
10	36	For the statewide cancer registry, and for not more		
10	37	than the following full=time equivalent positions:		
10	38	.....	\$	154,666
10	39	.....	FTEs	2.10
10	40	g. Substance abuse consortium		
10	41	For moneys to be allocated to the Iowa consortium		
10	42	for substance abuse research and evaluation, and		
10	43	for not more than the following full=time equivalent		
10	44	position:		
10	45	.....	\$	57,621
10	46	.....	FTEs	1.00
10	47	h. Center for biocatalysis		
10	48	For the center for biocatalysis, and for not more		
10	49	than the following full=time equivalent positions:		
10	50	\$	750,990



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11 1 FTEs	6.28
11 2	i. Primary health care initiative	
11 3	For the primary health care initiative in the	
11 4	college of medicine, and for not more than the	
11 5	following full=time equivalent positions:	
11 6	..... \$	673,375
11 7	..... FTEs	5.89
11 8	From the moneys appropriated in this lettered	
11 9	paragraph, \$254,889 shall be allocated to the	
11 10	department of family practice at the state university	
11 11	of Iowa college of medicine for family practice faculty	
11 12	and support staff.	
11 13	j. Birth defects registry	
11 14	For the birth defects registry, and for not more	
11 15	than the following full=time equivalent position:	
11 16	..... \$	39,730
11 17	..... FTEs	1.00
11 18	k. Larned A. Waterman Iowa nonprofit resource	
11 19	center	
11 20	For the Larned A. Waterman Iowa nonprofit resource	
11 21	center, and for not more than the following full=time	
11 22	equivalent positions:	
11 23	..... \$	168,662
11 24	..... FTEs	2.75
11 25	l. Iowa online advance placement academy science,	
11 26	technology, engineering, and mathematics initiative	
11 27	For the establishment of the Iowa online advance	
11 28	placement academy science, technology, engineering, and	
11 29	mathematics initiative:	
11 30	..... \$	500,000
11 31	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
11 32	a. General university	
11 33	For salaries, support, maintenance, equipment,	
11 34	miscellaneous purposes, and for not more than the	
11 35	following full=time equivalent positions:	
11 36	..... \$	170,536,017
11 37	..... FTEs	3,647.42
11 38	b. Agricultural experiment station	
11 39	For the agricultural experiment station salaries,	
11 40	support, maintenance, miscellaneous purposes, and	
11 41	for not more than the following full=time equivalent	
11 42	positions:	
11 43	..... \$	29,170,840
11 44	..... FTEs	546.98
11 45	c. Cooperative extension service in agriculture and	
11 46	home economics	
11 47	For the cooperative extension service in agriculture	
11 48	and home economics salaries, support, maintenance,	
11 49	miscellaneous purposes, and for not more than the	
11 50	following full=time equivalent positions:	



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12	1	\$	18,612,391
12	2	FTEs	383.34
12	3	d. Leopold center		
12	4	For agricultural research grants at Iowa state		
12	5	university of science and technology under section		
12	6	266.39B, and for not more than the following full=time		
12	7	equivalent positions:		
12	8	.....	\$	412,388
12	9	.....	FTEs	11.25
12	10	e. Livestock disease research		
12	11	For deposit in and the use of the livestock disease		
12	12	research fund under section 267.8:		
12	13	.....	\$	179,356
12	14	4. UNIVERSITY OF NORTHERN IOWA		
12	15	a. General university		
12	16	For salaries, support, maintenance, equipment,		
12	17	miscellaneous purposes, and for not more than the		
12	18	following full=time equivalent positions:		
12	19	.....	\$	77,549,809
12	20	.....	FTEs	1,447.50
12	21	b. Recycling and reuse center		
12	22	For purposes of the recycling and reuse center, and		
12	23	for not more than the following full=time equivalent		
12	24	positions:		
12	25	.....	\$	181,858
12	26	.....	FTEs	3.00
12	27	c. Science, technology, engineering, and		
12	28	mathematics (STEM) collaborative initiative		
12	29	For purposes of establishing a science, technology,		
12	30	engineering, and mathematics (STEM) collaborative		
12	31	initiative, and for not more than the following		
12	32	full=time equivalent positions:		
12	33	.....	\$	1,800,000
12	34	.....	FTEs	6.20
12	35	(1) From the moneys appropriateded in this lettered		
12	36	paragraph, up to \$282,000 shall be allocated for		
12	37	salaries, staffing, and institutional support. The		
12	38	remainder of the moneys appropriated in this lettered		
12	39	paragraph shall be expended only to support activities		
12	40	directly related to recruitment of kindergarten		
12	41	through grade 12 mathematics and science teachers and		
12	42	for ongoing mathematics and science programming for		
12	43	students enrolled in kindergarten through grade 12.		
12	44	(2) The university of northern Iowa shall work with		
12	45	the community colleges to develop STEM professional		
12	46	development programs for community college instructors		
12	47	and STEM curriculum development.		
12	48	d. Real estate education program		
12	49	For purposes of the real estate education program,		
12	50	and for not more than the following full=time		



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13 1 equivalent position:
13 2 \$ 130,022
13 3 FTEs 1.00
13 4 5. STATE SCHOOL FOR THE DEAF
13 5 For salaries, support, maintenance, miscellaneous
13 6 purposes, and for not more than the following full-time
13 7 equivalent positions:
13 8 \$ 8,679,964
13 9 FTEs 126.60
13 10 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
13 11 For salaries, support, maintenance, miscellaneous
13 12 purposes, and for not more than the following full-time
13 13 equivalent positions:
13 14 \$ 3,622,320
13 15 FTEs 62.87
13 16 7. TUITION AND TRANSPORTATION COSTS
13 17 For payment to local school boards for the tuition
13 18 and transportation costs of students residing in the
13 19 Iowa braille and sight saving school and the state
13 20 school for the deaf pursuant to section 262.43 and
13 21 for payment of certain clothing, prescription, and
13 22 transportation costs for students at these schools
13 23 pursuant to section 270.5:
13 24 \$ 12,206
13 25 8. LICENSED CLASSROOM TEACHERS
13 26 For distribution at the Iowa braille and sight
13 27 saving school and the Iowa school for the deaf based
13 28 upon the average yearly enrollment at each school as
13 29 determined by the state board of regents:
13 30 \$ 85,140
13 31 Sec. 9. ENERGY COST=SAVINGS PROJECTS ====
13 32 FINANCING. For the fiscal year beginning July 1,
13 33 2011, and ending June 30, 2012, the state board of
13 34 regents may use notes, bonds, or other evidences of
13 35 indebtedness issued under section 262.48 to finance
13 36 projects that will result in energy cost savings in an
13 37 amount that will cause the state board to recover the
13 38 cost of the projects within an average of six years.
13 39 Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding
13 40 section 270.7, the department of administrative
13 41 services shall pay the state school for the deaf and
13 42 the Iowa braille and sight saving school the moneys
13 43 collected from the counties during the fiscal year
13 44 beginning July 1, 2011, for expenses relating to
13 45 prescription drug costs for students attending the
13 46 state school for the deaf and the Iowa braille and
13 47 sight saving school.
13 48 Sec. 11. Section 256I.9, subsection 2, Code 2011,
13 49 is amended to read as follows:
13 50 2. The state board shall provide maximum



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14 1 flexibility to grantees for the use of the grant
14 2 moneys included in a school ready children grant,
14 3 including but not limited to authorizing an area board
14 4 to use grant moneys to pay for regular audits required
14 5 pursuant to section 256I.5, subsection 1, if moneys
14 6 distributed to an area board for administrative costs
14 7 are insufficient to pay for the required audits.

14 8 Sec. 12. Section 256I.9, subsection 3, paragraph
14 9 b, Code 2011, is amended by adding the following new
14 10 unnumbered paragraph:

14 11 NEW UNNUMBERED PARAGRAPH It is the intent
14 12 of the general assembly that priority for home
14 13 visitation program funding be given to programs using
14 14 evidence-based or promising models for home visitation.

14 15 Sec. 13. Section 257.11, subsection 5, Code 2011,
14 16 is amended by striking the subsection.

14 17 Sec. 14. Section 260C.14, Code 2011, is amended by
14 18 adding the following new subsection:

14 19 NEW SUBSECTION. 23. Adopt rules to waive tuition
14 20 and mandatory fee charges for any student in good
14 21 standing who is a resident of Iowa; is under the age of
14 22 twenty-six, or under the age of thirty if the student
14 23 is a qualified veteran as defined in subsection 14; is
14 24 not a convicted felon as defined in section 910.15; and
14 25 meets the following criteria:

14 26 a. Is the child of a peace officer, as defined in
14 27 section 97A.1, who receives benefits under section
14 28 97A.6, subsection 5, or was killed in the line of duty
14 29 as determined by the board of trustees of the Iowa
14 30 department of public safety peace officers' retirement,
14 31 accident, and disability system in accordance with
14 32 section 97A.6, subsection 16.

14 33 b. Is the child of a police officer or a fire
14 34 fighter, as defined in section 411.1, who receives
14 35 benefits under section 411.6, subsection 5, or
14 36 was killed in the line of duty as determined by
14 37 the statewide fire and police retirement system in
14 38 accordance with section 411.6, subsection 15.

14 39 Sec. 15. Section 261.19, Code 2011, is amended to
14 40 read as follows:

14 41 261.19 ~~Osteopathic physician~~ Health care
14 42 professional recruitment program.

14 43 1. A ~~physician~~ health care professional recruitment
14 44 program is established, to be administered by the
14 45 college student aid commission, for Des Moines
14 46 university ~~==== osteopathic medical center.~~ The
14 47 program shall consist of a ~~forgivable loan program~~
14 48 and a tuition scholarship program for students and
14 49 a loan repayment program for ~~physicians~~ health care
14 50 professionals. The commission shall regularly adjust



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15 1 the ~~physician~~ service requirement under each aspect
15 2 of the program to provide, to the extent possible,
15 3 an equal financial benefit for each period of service
15 4 required.

15 5 2.a. ~~Notwithstanding the administration~~
~~15 6 provisions of subsection 1, the forgivable loan~~
~~15 7 program established pursuant to subsection 1 shall be~~
~~15 8 administered by the commission in conjunction with Des~~
~~15 9 Moines university ---- osteopathic medical center. Des~~
~~15 10 Moines university ---- osteopathic medical center shall~~
~~15 11 match on an equal basis state aid appropriated for~~
~~15 12 purposes of the forgivable loan program.~~

15 13 b. ~~Des Moines university ---- osteopathic medical~~
~~15 14 center shall provide recommendations to the commission~~
~~15 15 for students who meet the eligibility requirements of~~
~~15 16 the forgivable loan program. A forgivable loan may~~
~~15 17 be awarded to a resident of Iowa who is enrolled at~~
~~15 18 Des Moines university ---- osteopathic medical center~~
~~15 19 if the student agrees to practice in this state for~~
~~15 20 a period of time to be determined by the commission~~
~~15 21 at the time the loan is awarded. Forgivable loans to~~
~~15 22 eligible students shall not become due until after the~~
~~15 23 student completes a residency program. Interest on~~
~~15 24 the loans shall begin to accrue the day following the~~
~~15 25 student's graduation date. If the student completes~~
~~15 26 the period of practice established by the commission~~
~~15 27 and agreed to by the student, the loan amount shall~~
~~15 28 be forgiven. The loan amount shall not be forgiven~~
~~15 29 if the osteopathic physician fails to complete the~~
~~15 30 required time period of practice in this state or fails~~
~~15 31 to satisfactorily continue in the university's program~~
~~15 32 of medical education.~~

15 33 3. ~~A student enrolled at Des Moines university~~
~~15 34 ---- osteopathic medical center shall be eligible for~~
~~15 35 a tuition scholarship for the student's study at the~~
~~15 36 university. The scholarship shall be for an amount~~
~~15 37 not to exceed the annual tuition at the university. A~~
~~15 38 student who receives a tuition scholarship shall not~~
~~15 39 be eligible for the loan repayment program provided~~
~~15 40 for by this section. A student who receives a tuition~~
~~15 41 scholarship shall agree to practice in an eligible~~
~~15 42 rural community in this state for a period of time~~
~~15 43 to be determined by the commission at the time the~~
~~15 44 scholarship is awarded. The student shall repay the~~
~~15 45 scholarship to the commission if the student fails to~~
~~15 46 practice in a medically underserved rural community in~~
~~15 47 this state for the required period of time.~~

15 48 4. A physician health care professional shall be
15 49 eligible for the physician loan repayment program
15 50 if the physician health care professional agrees



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16 1 to practice in an eligible rural community in this
16 2 state. Des Moines university ~~==== osteopathic medical~~
~~16 3 center~~ shall recruit and place ~~physicians~~ health
16 4 care professionals in rural communities which have
16 5 agreed to provide additional funds for the ~~physician's~~
~~16 6 recipient's~~ loan repayment. The contract for the
16 7 loan repayment shall stipulate the time period the
16 8 ~~physician~~ recipient shall practice in an eligible rural
16 9 community in this state. In addition, the contract
16 10 shall stipulate that the ~~physician~~ recipient repay any
16 11 funds paid on the ~~physician's~~ recipient's loan by the
16 12 commission if the ~~physician~~ recipient fails to practice
16 13 in an eligible rural community in this state for the
16 14 required period of time.

16 15 3. A health care professional recruitment revolving
16 16 fund is created in the state treasury as a separate
16 17 fund under the control of the commission. The
16 18 commission shall deposit payments made by health care
16 19 professional recruitment program recipients and the
16 20 proceeds from the sale of osteopathic loans awarded
16 21 pursuant to section 261.19, subsection 2, paragraph
16 22 "b", Code 2011, into the health care professional
16 23 recruitment revolving fund. Moneys credited to the
16 24 fund shall be used to supplement moneys appropriated
16 25 for the health care professional recruitment program,
16 26 for loan repayment in accordance with this section,
16 27 and to pay for loan or interest repayment defaults by
16 28 program recipients. Notwithstanding section 8.33, any
16 29 balance in the fund on June 30 of any fiscal year shall
16 30 not revert to the general fund of the state.

16 31 4. For purposes of this ~~subsection,~~ "eligible
~~16 32 section:~~

16 33 a. "Eligible rural community" means a medically
16 34 underserved rural community which agrees to match
16 35 state funds provided on at least a dollar=for=dollar
16 36 basis for the loan repayment of a ~~physician~~ health care
16 37 professional who practices in the community.

16 38 b. "Health care professional" means a physician,
16 39 physician assistant, podiatrist, or physical therapist.

16 40 5. The commission shall adopt rules pursuant to
16 41 chapter 17A to administer this section.

16 42 Sec. 16. Section 261.25, subsections 2 and 3, Code
16 43 2011, are amended to read as follows:

16 44 2. There is appropriated from the general fund
16 45 of the state to the commission for each fiscal year
16 46 the sum of four million six hundred fifty thousand
16 47 four hundred eighty=seven dollars for tuition grants
16 48 for students attending for=profit accredited private
16 49 institutions located in Iowa. A for=profit institution
16 50 which, effective March 9, 2005, or effective January



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17 1 8, 2010, purchased an accredited private institution
17 2 that was exempt from taxation under section 501(c)
17 3 of the Internal Revenue Code, shall be an eligible
17 4 institution under the tuition grant program. For
17 5 purposes of the tuition grant program, "for-profit
17 6 accredited private institution" means an accredited
17 7 private institution which is not exempt from taxation
17 8 under section 501(c)(3) of the Internal Revenue Code
17 9 but which otherwise meets the requirements of section
17 10 261.9, subsection 1, paragraph "b", and whose students
17 11 were eligible to receive tuition grants in the fiscal
17 12 year beginning July 1, 2003.

17 13 3. There is appropriated from the general fund
17 14 of the state to the commission for each fiscal year
17 15 the sum of two million ~~four~~ three hundred ~~thirteen~~
~~17 16 thirty-eight~~ thousand ~~nine~~ four hundred ~~fifty-nine~~
~~17 17 twenty-one~~ dollars for vocational-technical tuition
17 18 grants.

17 19 Sec. 17. Section 261E.3, subsection 1, paragraph e,
17 20 Code 2011, is amended to read as follows:

17 21 e. The student shall have demonstrated proficiency
17 22 in reading, mathematics, and science as evidenced by
17 23 achievement scores on the latest administration of
17 24 the state assessment for which scores are available
17 25 and as defined by the department. However, a student
17 26 receiving competent private instruction under chapter
17 27 299A may demonstrate proficiency as evidenced by a
17 28 selection index, which is the sum of the critical
17 29 reading, mathematics, and writing skills assessments,
17 30 of at least one hundred forty-one on the preliminary
17 31 scholastic aptitude test administered by the college
17 32 board; a composite score of at least twenty-one on
17 33 the college readiness assessment administered by ACT,
17 34 inc.; or a sum of the critical reading and mathematics
17 35 scores of at least nine hundred ninety on the college
17 36 readiness assessment administered by the college board.

17 37 If a student is not proficient in one or more of the
17 38 content areas listed in this paragraph, has not taken
17 39 the college readiness assessments identified in this
17 40 paragraph, or has not achieved the scores specified
17 41 in this paragraph, the school board may establish

17 42 alternative but equivalent qualifying performance
17 43 measures including but not limited to additional
17 44 administrations of the state assessment, portfolios
17 45 of student work, student performance rubric, or
17 46 end-of-course assessments.

17 47 Sec. 18. Section 261E.9, subsections 1 through 3,
17 48 Code 2011, are amended to read as follows:

17 49 1. a. A regional academy is a program established
17 50 by a school district to which multiple school districts



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18 1 send students in grades ~~nine~~ seven through twelve,
18 2 and which may include internet-based coursework
18 3 and courses delivered via the Iowa communications
18 4 network. A regional academy shall include in its
18 5 curriculum advanced level courses and may include
18 6 in its curriculum career and technical courses. A
18 7 school district establishing a regional academy may
18 8 collaborate and partner with, enter into an agreement
18 9 pursuant to chapter 28E with, or enter into a contract
18 10 with, one or more school districts, area education
18 11 agencies, community colleges, accredited public
18 12 and private postsecondary institutions, accredited
18 13 nonpublic schools, businesses, and private agencies
18 14 located within or outside of the state.

18 15 b. The purpose of a regional academy established
18 16 pursuant to this section shall be to build a culture
18 17 of innovation for students and community, to diversify
18 18 educational and economic opportunities by engaging in
18 19 learning experiences that involve students in complex,
18 20 real-world projects, and to develop regional or global
18 21 innovation networks.

18 22 c. If a school district establishing a regional
18 23 academy in accordance with this section submits a plan
18 24 to the department for approval that demonstrates how
18 25 the regional academy will increase and assess student
18 26 achievement or increase and assess competency-based
18 27 learning opportunities for students, the department may
18 28 waive or modify any statutory or regulatory provision
18 29 applicable to school districts except the department
18 30 shall not waive or modify any statutory or regulatory
18 31 provision relating to requirements applicable to school
18 32 districts under chapters 11, 21, 22, 216, 216A, 256B,
18 33 279, 284, and 285; or relating to contracts with and
18 34 discharge of teachers and administrators under chapters
18 35 20 and 279; or relating to audit requirements under
18 36 section 256.9, subsection 20, and section 279.29.

18 37 2. a. A regional academy ~~course~~ shall ~~not qualify~~
18 38 ~~as a concurrent enrollment course~~ include in its
18 39 curriculum advanced level courses.

18 40 b. A regional academy may include in its curriculum
18 41 virtual or internet-based coursework and courses
18 42 delivered via the Iowa communications network, career
18 43 and technical courses, core curriculum coursework,
18 44 courses required pursuant to section 256.7, subsection
18 45 26, or section 256.11, subsections 4 and 5, and
18 46 asynchronous learning networks.

18 47 3. School districts participating in regional
18 48 academies are eligible for supplementary weighting as
18 49 provided in section 257.11, subsection 2. The school
18 50 districts participating in the regional academy shall



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19 1 enter into an agreement on how the funding generated
19 2 by the supplementary weighting received shall be used
19 3 and shall submit the agreement to the department for
19 4 approval.

19 5 Sec. 19. Section 262.9, Code 2011, is amended by
19 6 adding the following new subsection:

19 7 NEW SUBSECTION. 36. Adopt rules that require the
19 8 institutions of higher education under its control
19 9 to waive tuition and mandatory fee charges for any
19 10 undergraduate student in good standing who is a
19 11 resident of Iowa; is under the age of twenty-six, or
19 12 under the age of thirty if the student is a qualified
19 13 veteran as defined in subsection 17; is not a convicted
19 14 felon as defined in section 910.15; and meets the
19 15 following criteria:

19 16 a. Is the child of a peace officer, as defined in
19 17 section 97A.1, who receives benefits under section
19 18 97A.6, subsection 5, or was killed in the line of duty
19 19 as determined by the board of trustees of the Iowa
19 20 department of public safety peace officers' retirement,
19 21 accident, and disability system in accordance with
19 22 section 97A.6, subsection 16.

19 23 b. Is the child of a police officer or a fire
19 24 fighter, as defined in section 411.1, who receives
19 25 benefits under section 411.6, subsection 5, or
19 26 was killed in the line of duty as determined by
19 27 the statewide fire and police retirement system in
19 28 accordance with section 411.6, subsection 15.

19 29 Sec. 20. Section 262.13, Code 2011, is amended to
19 30 read as follows:

19 31 262.13 ~~Security~~ Peace officers at institutions ~~as~~
19 32 ~~peace officers.~~

19 33 The board may authorize any institution under its
19 34 control to commission one or more of its employees
19 35 as ~~special security~~ peace officers. ~~Special security~~
19 36 ~~officers~~ Such officers shall have the same powers,
19 37 duties, privileges, and immunities ~~of~~ as conferred on
19 38 regular peace officers ~~when acting in the interests~~
19 39 ~~of the institution by which they are employed.~~ The
19 40 board shall provide as rapidly as practicable for the
19 41 adequate training and certification of such ~~special~~
19 42 ~~security~~ peace officers at the Iowa law enforcement
19 43 academy or ~~in an equivalent~~ at a law enforcement
19 44 training ~~program~~ school approved by the academy, unless
19 45 ~~they have the peace officers are already received such~~
19 46 ~~training~~ certified by the Iowa law enforcement academy
19 47 or by an approved law enforcement training school.

19 48 Sec. 21. Section 263.8A, Code 2011, is amended to
19 49 read as follows:

19 50 263.8A International center for talented and gifted



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20 1 education ==== Iowa online advanced placement academy
20 2 science, technology, engineering, and mathematics
20 3 initiative.

20 4 1. a. The state board of regents shall establish
20 5 and maintain at Iowa City as an integral part of the
20 6 state university of Iowa the international center for
20 7 talented and gifted education. The international
20 8 center shall provide programs to assist classroom
20 9 teachers to teach gifted and talented students in
20 10 regular classrooms, provide programs to enhance the
20 11 learning experiences of gifted and talented students,
20 12 serve as a center for national and international
20 13 symposiums and policy forums for enhancing the teaching
20 14 of gifted and talented students, and undertake other
20 15 appropriate activities to enhance the programs of the
20 16 center, including, but not limited to, coordinating and
20 17 working with the world council for gifted and talented
20 18 children, incorporated.

20 19 b. An international center endowment fund is
20 20 established at the state university of Iowa and gifts
20 21 and grants to the international center and investment
20 22 earnings and returns on the endowment fund shall be
20 23 deposited in the fund and may be expended by the state
20 24 university of Iowa for the purposes for which the
20 25 international center was established.

20 26 2. The Iowa online advanced placement academy
20 27 science, technology, engineering, and mathematics
20 28 initiative is established within the international
20 29 center for talented and gifted education at the state
20 30 university of Iowa to deliver, with an emphasis on
20 31 science, technology, engineering, and mathematics
20 32 coursework, preadvanced placement and advanced
20 33 placement courses to high school students throughout
20 34 the state, provide training opportunities for teachers
20 35 to learn how to teach advanced placement courses in
20 36 Iowa's high schools, and provide preparation for middle
20 37 school students to ensure success in high school.

20 38 Sec. 22. Section 273.7A, unnumbered paragraph 1,
20 39 Code 2011, is amended to read as follows:

20 40 The board of an area education agency may provide
20 41 services to school districts located in the area
20 42 education agency under contract with the school
20 43 districts. These services may include, but are not
20 44 limited to, superintendency services, personnel
20 45 services, business management services, purchasing
20 46 services, specialized maintenance services, and
20 47 transportation services. In addition, the board of
20 48 the area education agency may provide for furnishing
20 49 expensive and specialized equipment for school
20 50 districts. School districts shall pay to area



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21 1 education agencies the cost of providing the services.
21 2 Sec. 23. Section 284.13, subsection 1, paragraphs a
21 3 through d, Code 2011, are amended to read as follows:
21 4 a. For the fiscal year beginning July 1, ~~2010~~ 2011,
21 5 and ending June 30, ~~2011~~ 2012, to the department of
21 6 education, the amount of ~~nine~~ six hundred ~~sixty-four~~
~~21 7 eighty-five~~ thousand dollars for the issuance of
21 8 national board certification awards in accordance
21 9 with section 256.44. Of the amount allocated under
21 10 this paragraph, not less than ~~seventy-six~~ eighty-five
21 11 thousand ~~five hundred~~ dollars shall be used to
21 12 administer the ambassador to education position in
21 13 accordance with section 256.45.
21 14 b. For the fiscal year beginning July 1, ~~2010~~
~~21 15 2011~~, and ~~succeeding fiscal years~~ and ending June 30,
21 16 2012, an amount up to ~~four~~ three million one five
21 17 ~~hundred seven~~ sixty-three thousand ~~two hundred forty~~
~~21 18 six hundred thirty-eight~~ dollars for first-year and
21 19 second-year beginning teachers, to the department of
21 20 education for distribution to school districts and
21 21 area education agencies for purposes of the beginning
21 22 teacher mentoring and induction programs. A school
21 23 district or area education agency shall receive
21 24 one thousand three hundred dollars per beginning
21 25 teacher participating in the program. If the funds
21 26 appropriated for the program are insufficient to pay
21 27 mentors, school districts, and area education agencies
21 28 as provided in this paragraph, the department shall
21 29 prorate the amount distributed to school districts
21 30 and area education agencies based upon the amount
21 31 appropriated. Moneys received by a school district
21 32 or area education agency pursuant to this paragraph
21 33 shall be expended to provide each mentor with an award
21 34 of five hundred dollars per semester, at a minimum,
21 35 for participation in the school district's or area
21 36 education agency's beginning teacher mentoring and
21 37 induction program; to implement the plan; and to
21 38 pay any applicable costs of the employer's share of
21 39 contributions to federal social security and the Iowa
21 40 public employees' retirement system or a pension and
21 41 annuity retirement system established under chapter
21 42 294, for such amounts paid by the district or area
21 43 education agency.
21 44 c. For the fiscal year beginning July 1, ~~2010~~
~~21 45 2011~~, and ending June 30, ~~2011~~ 2012, up to six
21 46 hundred ~~thirteen~~ ninety-five thousand ~~eight hundred~~
~~21 47 seventy-eight~~ dollars to the department for purposes
21 48 of implementing the professional development program
21 49 requirements of section 284.6, assistance in developing
21 50 model evidence for teacher quality committees



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22 1 established pursuant to section 284.4, subsection 1,
22 2 paragraph "c", and the evaluator training program in
22 3 section 284.10. A portion of the funds allocated to
22 4 the department for purposes of this paragraph may be
22 5 used by the department for administrative purposes and
22 6 for not more than four full-time equivalent positions.
22 7 d. For each the fiscal year in which funds are
~~22 8 appropriated for purposes of this chapter beginning~~
~~22 9 July 1, 2011, and ending June 30, 2012, an amount up~~
~~22 10 to one million six hundred twenty-nine thirty-three~~
~~22 11 thousand six two hundred forty-seven thirty dollars~~
22 12 to the department for the establishment of teacher
22 13 development academies in accordance with section 284.6,
22 14 subsection 10. A portion of the funds allocated to the
22 15 department for purposes of this paragraph may be used
22 16 for administrative purposes.
22 17 Sec. 24. Section 298.3, subsection 1, paragraph c,
22 18 Code 2011, is amended to read as follows:
22 19 c. The purchase, lease, or lease-purchase of a
~~22 20 single unit of equipment or technology exceeding five~~
22 21 hundred dollars in value per unit purchase, lease,
22 22 or lease-purchase transaction. Each transaction may
22 23 include multiple equipment or technology units.
22 24 Sec. 25. Section 298.3, subsection 1, Code 2011, is
22 25 amended by adding the following new paragraph:
22 26 NEW PARAGRAPH. n. The purchase, lease, or
22 27 lease-purchase of desks, furniture, or fixtures
22 28 exceeding five hundred dollars in value per purchase,
22 29 lease, or lease-purchase transaction. Each transaction
22 30 may include multiple desk, furniture, or fixture units.
22 31 Sec. 26. Section 299A.2, Code 2011, is amended to
22 32 read as follows:
22 33 299A.2 Competent private instruction by licensed
22 34 practitioner.
22 35 If a licensed practitioner provides competent
22 36 instruction to a school-age child of compulsory
~~22 37 attendance age, the practitioner shall possess a~~
22 38 valid license or certificate which has been issued
22 39 by the state board of educational examiners under
22 40 chapter 272 and which is appropriate to the ages and
22 41 grade levels of the children to be taught. Competent
22 42 private instruction may include, but is not limited
22 43 to, a home school assistance program which provides
22 44 instruction or instructional supervision offered
22 45 through an accredited nonpublic school or public
22 46 school district by a teacher, who is employed by the
22 47 accredited nonpublic school or public school district,
22 48 who assists and supervises a parent, guardian, or legal
22 49 custodian in providing instruction to a child. If
22 50 competent private instruction is provided through a



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23 1 public school district, the child shall be enrolled and
23 2 included in the basic enrollment of the school district
23 3 as provided in section 257.6. Sections 299A.3 through
23 4 299A.7 do not apply to competent private instruction
23 5 provided by a licensed practitioner under this section.
23 6 However, the reporting requirement contained in section
23 7 299A.3, subsection 1, shall apply to competent private
23 8 instruction provided by licensed practitioners that is
23 9 not part of a home school assistance program offered
23 10 through an accredited nonpublic school or public school
23 11 district.

23 12 Sec. 27. Section 299A.8, Code 2011, is amended to
23 13 read as follows:

23 14 299A.8 Dual enrollment.

23 15 If a parent, guardian, or legal custodian of a
23 16 ~~school=age~~ child who is receiving competent private
23 17 instruction under this chapter ~~or a child over~~

~~23 18 compulsory age who is receiving private instruction~~

23 19 submits a request, the child shall also be registered
23 20 in a public school for dual enrollment purposes. If
23 21 the child is enrolled in a public school district for
23 22 dual enrollment purposes, the child shall be permitted
23 23 to participate in any academic activities in the
23 24 district and shall also be permitted to participate
23 25 on the same basis as public school children in any
23 26 extracurricular activities available to children in
23 27 the child's grade or group, and the parent, guardian,
23 28 or legal custodian shall not be required to pay the
23 29 costs of any annual evaluation under this chapter. If
23 30 the child is enrolled for dual enrollment purposes,
23 31 the child shall be included in the public school's
23 32 basic enrollment under section 257.6. A pupil who is
23 33 participating only in extracurricular activities shall
23 34 be counted under section 257.6, subsection 1, paragraph
23 35 "a", subparagraph (6). A pupil enrolled in grades nine
23 36 through twelve under this section shall be counted in
23 37 the same manner as a ~~shared=time~~ pupil under section
23 38 257.6, subsection 1, paragraph "a", subparagraph (3).

23 39 Sec. 28. Section 299A.12, subsection 1, Code 2011,
23 40 is amended to read as follows:

23 41 1. The board of directors of a school district ~~may~~
~~23 42 shall~~ expend moneys received pursuant to section 257.6,
23 43 subsection 1, paragraph "a", subparagraph (5), for
23 44 purposes of providing a home school assistance program.

23 45 Sec. 29. Section 299A.12, subsection 2, paragraphs
23 46 a and b, Code 2011, are amended to read as follows:

23 47 a. ~~Assisting~~ Instruction for students and assisting
23 48 parents with instruction.

23 49 b. ~~Student~~ Support services for students and
23 50 ~~teaching-parent support services~~ teaching parents and



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24 1 staff support services.

24 2 Sec. 30. Section 299A.12, subsection 2, paragraph
24 3 g, unnumbered paragraph 1, Code 2011, is amended to
24 4 read as follows:

24 5 Resources, materials, computer software and
24 6 hardware, ~~and~~ supplies, and purchased services that
24 7 meet the following criteria:

24 8 Sec. 31. Section 299A.12, subsection 3, paragraphs
24 9 b, c, e, and f, Code 2011, are amended to read as
24 10 follows:

24 11 b. Operational or maintenance costs ~~in addition~~
~~24 12 to the cost of maintaining school district facilities~~
~~24 13 other than those necessary to operate and maintain the~~
24 14 program.

24 15 c. Capital expenditures other than equipment or
24 16 facility acquisition, including the lease or rental of
24 17 space to supplement existing schoolhouse facilities.

24 18 e. Administrative costs ~~other than the costs~~
24 19 necessary to administer the program.

24 20 f. Concurrent ~~and dual~~ enrollment ~~program~~ costs and
24 21 postsecondary enrollment options program costs.

24 22 Sec. 32. Section 321.89, subsection 1, paragraph c,
24 23 Code 2011, is amended to read as follows:

24 24 c. "Police authority" means the state patrol, any
24 25 law enforcement agency of a county or city, or any
24 26 ~~special security peace~~ officer employed by the state
24 27 board of regents under section 262.13.

24 28 Sec. 33. Section 801.4, subsection 11, paragraph f,
24 29 Code 2011, is amended to read as follows:

24 30 f. ~~Special security Peace~~ officers employed by
24 31 board of regents institutions as set forth in section
24 32 262.13.

24 33 Sec. 34. REPEAL. Section 261.19B, Code 2011, is
24 34 repealed.

24 35 Sec. 35. EFFECTIVE UPON ENACTMENT. The section
24 36 of this division of this Act transferring moneys
24 37 appropriated pursuant to 2010 Iowa Acts, chapter 1183,
24 38 section 6, subsection 18, being deemed of immediate
24 39 importance, takes effect upon enactment.

24 40 Sec. 36. EFFECTIVE DATE AND APPLICABILITY. The
24 41 section of this division of this Act striking section
24 42 257.11, subsection 5, and the section of this division
24 43 of this Act amending section 261E.9, subsections 1
24 44 through 3, take effect July 1, 2012, and are applicable
24 45 to school years beginning on or after July 1, 2012.

24 46 Sec. 37. EFFECTIVE UPON ENACTMENT AND
24 47 APPLICABILITY. The sections of this Act enacting
24 48 section 206C.14, subsection 23, and section 262.9,
24 49 subsection 36, being deemed of immediate importance,
24 50 take effect upon enactment and apply to tuition and



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25 1 mandatory fees in effect on or after that date.
25 2 Sec. 38. APPLICABILITY. The sections of this
25 3 division of this Act that amend section 298.3 apply to
25 4 school budget years beginning on or after July 1, 2011.
25 5 Sec. 39. RETROACTIVE APPLICABILITY. The sections
25 6 of this division of this Act amending sections 299A.2
25 7 and 299A.8 apply retroactively to the base year
25 8 beginning July 1, 2009.

25 9 DIVISION II

25 10 LIBRARY PROVISIONS

25 11 Sec. 40. Section 8A.454, subsection 2, Code 2011,
25 12 is amended to read as follows:

25 13 2. A monthly per contract administrative charge
25 14 shall be assessed by the department on all health
25 15 insurance plans administered by the department in which
25 16 the contract holder has a state employer to pay the
25 17 charge. The amount of the administrative charge shall
25 18 be established by the general assembly. The department
25 19 shall collect the administrative charge from each
25 20 department utilizing the centralized payroll system and
25 21 shall deposit the proceeds in the fund. In addition,
25 22 the state board of regents, ~~all library service~~
~~25 23 areas,~~ the state fair board, the state department of
25 24 transportation, and each judicial district department
25 25 of correctional services shall remit the administrative
25 26 charge on a monthly basis to the department and shall
25 27 submit a report to the department containing the number
25 28 and type of health insurance contracts held by each of
25 29 its employees whose health insurance is administered by
25 30 the department.

25 31 Sec. 41. Section 8D.2, subsection 5, paragraph a,
25 32 Code 2011, is amended to read as follows:

25 33 a. "Public agency" means a state agency, an
25 34 institution under the control of the board of regents,
25 35 the judicial branch as provided in section 8D.13,
25 36 subsection 16, a school corporation, a city library,
25 37 ~~a library service area as provided in chapter 256,~~
25 38 a county library as provided in chapter 336, or a
25 39 judicial district department of correctional services
25 40 established in section 905.2, to the extent provided in
25 41 section 8D.13, subsection 14, an agency of the federal
25 42 government, or a United States post office which
25 43 receives a federal grant for pilot and demonstration
25 44 projects.

25 45 Sec. 42. Section 8D.9, subsection 1, Code 2011, is
25 46 amended to read as follows:

25 47 1. A private or public agency, other than a state
25 48 agency, local school district or nonpublic school, city
25 49 library, ~~library service area,~~ county library, judicial
25 50 branch, judicial district department of correctional



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26 1 services, agency of the federal government, a hospital
26 2 or physician clinic, or a post office authorized to be
26 3 offered access pursuant to this chapter as of May 18,
26 4 1994, shall certify to the commission no later than
26 5 July 1, 1994, that the agency is a part of or intends
26 6 to become a part of the network. Upon receiving such
26 7 certification from an agency not a part of the network
26 8 on May 18, 1994, the commission shall provide for the
26 9 connection of such agency as soon as practical. An
26 10 agency which does not certify to the commission that
26 11 the agency is a part of or intends to become a part of
26 12 the network as required by this subsection shall be
26 13 prohibited from using the network.

26 14 Sec. 43. Section 8D.11, subsection 4, Code 2011, is
26 15 amended to read as follows:

26 16 4. A political subdivision receiving communications
26 17 services from the state as of April 1, 1986, may
26 18 continue to do so but communications services shall
26 19 not be provided or resold to additional political
26 20 subdivisions other than a school corporation, a city
26 21 library, ~~a library service area as provided in chapter~~
~~26 22 256,~~ and a county library as provided in chapter 336.

26 23 The rates charged to the political subdivision shall be
26 24 the same as the rates charged to state agencies.

26 25 Sec. 44. Section 12C.1, subsection 1, Code 2011, is
26 26 amended to read as follows:

26 27 1. All funds held by the following officers
26 28 or institutions shall be deposited in one or more
26 29 depositories first approved by the appropriate
26 30 governing body as indicated: for the treasurer of
26 31 state, by the executive council; for judicial officers
26 32 and court employees, by the supreme court; for the
26 33 county treasurer, recorder, auditor, and sheriff, by
26 34 the board of supervisors; for the city treasurer or
26 35 other designated financial officer of a city, by the
26 36 city council; for the county public hospital or merged
26 37 area hospital, by the board of hospital trustees;
26 38 for a memorial hospital, by the memorial hospital
26 39 commission; for a school corporation, by the board
26 40 of school directors; for a city utility or combined
26 41 utility system established under chapter 388, by the
26 42 utility board; ~~for a library service area established~~
~~26 43 under chapter 256, by the library service area board of~~
~~26 44 trustees;~~ and for an electric power agency as defined
26 45 in section 28F.2 or 390.9, by the governing body of the
26 46 electric power agency. However, the treasurer of state
26 47 and the treasurer of each political subdivision or the
26 48 designated financial officer of a city shall invest
26 49 all funds not needed for current operating expenses in
26 50 time certificates of deposit in approved depositories



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27 1 pursuant to this chapter or in investments permitted by
27 2 section 12B.10. The list of public depositories and
27 3 the amounts severally deposited in the depositories
27 4 are matters of public record. This subsection does
27 5 not limit the definition of "public funds" contained
27 6 in subsection 2. Notwithstanding provisions of this
27 7 section to the contrary, public funds of a state
27 8 government deferred compensation plan established
27 9 by the executive council may also be invested in the
27 10 investment products authorized under section 509A.12.
27 11 Sec. 45. Section 218.22, Code 2011, is amended to
27 12 read as follows:

27 13 218.22 Record privileged.

27 14 Except with the consent of the administrator in
27 15 charge of an institution, or on an order of a court of
27 16 record, the record provided in section 218.21 shall be
27 17 accessible only to the administrator of the division
27 18 of the department of human services in control of
27 19 such institution, the director of the department of
27 20 human services and to assistants and proper clerks
27 21 authorized by such administrator or the administrator's
27 22 director. The administrator of the division of such
27 23 institution is authorized to permit the division of
27 24 ~~libraries and information~~ library services of the
27 25 department of education and the historical division of
27 26 the department of cultural affairs to copy or reproduce
27 27 by any photographic, photostatic, microfilm, microcard
27 28 or other process which accurately reproduces a durable
27 29 medium for reproducing the original and to destroy in
27 30 the manner described by law such records of residents
27 31 designated in section 218.21.

27 32 Sec. 46. Section 256.7, unnumbered paragraph 1,
27 33 Code 2011, is amended to read as follows:

27 34 Except for the college student aid commission,
27 35 the commission of libraries and division of library
27 36 services, and the public broadcasting board and
27 37 division, the state board shall:

27 38 Sec. 47. Section 256.7, subsection 17, Code 2011,
27 39 is amended to read as follows:

27 40 17. Receive and review the budget and unified plan
27 41 of service submitted by the division of ~~libraries and~~
27 42 ~~information~~ library services.

27 43 Sec. 48. Section 256.9, unnumbered paragraph 1,
27 44 Code 2011, is amended to read as follows:

27 45 Except for the college student aid commission,
27 46 the commission of libraries and division of library
27 47 services, and the public broadcasting board and

27 48 division, the director shall:

27 49 Sec. 49. Section 256.50, subsection 2, Code 2011,
27 50 is amended to read as follows:



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28 1 2. "Division" means the division of ~~libraries and~~
28 2 ~~information~~ library services of the department of
28 3 education.
28 4 Sec. 50. Section 256.51, subsection 1, unnumbered
28 5 paragraph 1, Code 2011, is amended to read as follows:
28 6 The division of ~~libraries and information~~ library
28 7 services is ~~established within~~ attached to the
28 8 department of education for administrative purposes.
28 9 The state librarian shall be responsible for the
28 10 division's budgeting and related management functions
28 11 in accordance section 256.52, subsection 3. The
28 12 division shall do all of the following:
28 13 Sec. 51. Section 256.51, subsection 1, Code 2011,
28 14 is amended by adding the following new paragraph:
28 15 NEW PARAGRAPH. 0a. Provide support services to
28 16 libraries, including but not limited to consulting,
28 17 continuing education, interlibrary loan services, and
28 18 references services to assure consistency of service
28 19 statewide and to encourage local financial support for
28 20 library services.
28 21 Sec. 52. Section 256.51, subsection 1, paragraph d,
28 22 Code 2011, is amended to read as follows:
28 23 d. Develop, in consultation with the ~~library~~
28 24 ~~service areas and the area education agency media~~
28 25 ~~centers, a biennial unified plan of service and service~~
28 26 ~~delivery for the division of libraries and information~~
28 27 ~~library services.~~
28 28 Sec. 53. Section 256.51, subsection 1, paragraph j,
28 29 Code 2011, is amended to read as follows:
28 30 j. Establish and administer standards for state
28 31 ~~agency libraries, the library service areas, and public~~
28 32 ~~libraries.~~
28 33 Sec. 54. Section 256.51, subsection 1, paragraph k,
28 34 Code 2011, is amended by striking the paragraph.
28 35 Sec. 55. Section 256.51, subsection 2, paragraph c,
28 36 Code 2011, is amended to read as follows:
28 37 c. Accept gifts, contributions, bequests,
28 38 endowments, or other moneys, including but not limited
28 39 to the Westgate endowment fund, for any or all purposes
28 40 of the division. Interest earned on moneys accepted
28 41 under this paragraph shall be credited to the fund
28 42 or funds to which the gifts, contributions, bequests,
28 43 endowments, or other moneys have been deposited, and
28 44 is available for any or all purposes of the division.
28 45 The division shall report annually to the ~~director~~
28 46 ~~commission~~ and the general assembly regarding the
28 47 gifts, contributions, bequests, endowments, or other
28 48 moneys accepted pursuant to this paragraph and the
28 49 interest earned on them.
28 50 Sec. 56. Section 256.52, subsection 1, Code 2011,



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29 1 is amended to read as follows:

29 2 1. a. The state commission of libraries consists
29 3 of one member appointed by the supreme court, the
29 4 director of the department of education, or the
29 5 director's designee, and ~~six~~ the following seven
29 6 members who shall be appointed by the governor to serve
29 7 four-year terms beginning and ending as provided in
29 8 section 69.19. ~~The governor's appointees shall~~

29 9 (1) Two members shall be employed in the state as
29 10 public librarians.

29 11 (2) One member shall be a public library trustee.

29 12 (3) One member shall be employed in this state as
29 13 an academic librarian.

29 14 (4) One member shall be employed as a librarian by
29 15 a school district or area education agency.

29 16 (5) Two members shall be selected at large.

29 17 b. The members shall be reimbursed for their actual
29 18 expenditures necessitated by their official duties.
29 19 Members may also be eligible for compensation as
29 20 provided in section 7E.6.

29 21 Sec. 57. Section 256.52, subsection 3, paragraph
29 22 b, subparagraphs (1) and (4), Code 2011, are amended
29 23 to read as follows:

29 24 (1) ~~Direct and organize the activities of~~ Organize,
29 25 staff, and administer the division so as to render the
29 26 greatest benefit to libraries in the state.

29 27 (4) Appoint and approve the technical,
29 28 professional, ~~excepting the law librarian,~~ secretarial,
29 29 and clerical staff necessary to accomplish the purposes
29 30 of the division subject to chapter 8A, subchapter IV.

29 31 Sec. 58. Section 256.52, subsection 3, paragraph
29 32 b, Code 2011, is amended by adding the following new
29 33 subparagraph:

29 34 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
29 35 outstanding obligations of the library service
29 36 areas and be liable for and recognize, assume, and
29 37 carry out all valid contracts and obligations of the
29 38 library service areas that are consolidated under the
29 39 commission and administered by the division effective
29 40 beginning July 1, 2011. Each library service area
29 41 shall transfer, prior to July 1, 2011, its state-funded
29 42 assets and title to any state-funded real estate owned
29 43 by the library service area to the state librarian.

29 44 (b) This subparagraph is repealed July 1, 2015.

29 45 Sec. 59. Section 256.52, subsection 5, Code 2011,
29 46 is amended to read as follows:

29 47 5. The commission shall receive and approve the
29 48 budget and unified plan of service submitted by the
29 49 division of libraries and information services.

29 50 Sec. 60. Section 256.54, subsection 1, Code 2011,



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30 1 is amended to read as follows:

30 2 1. The state library includes but is not limited
30 3 to ~~a law library~~ the library support network, the
30 4 specialized library services unit, and the state data
30 5 center. The law library shall be under the direction
30 6 of the specialized library services unit.

30 7 Sec. 61. Section 256.54, subsection 2, unnumbered
30 8 paragraph 1, Code 2011, is amended to read as follows:

30 9 The law library shall be administered by a law
30 10 librarian appointed by the ~~director~~ state librarian
30 11 subject to chapter 8A, subchapter IV, who shall do all
30 12 of the following:

30 13 Sec. 62. Section 256.55, unnumbered paragraph 1,
30 14 Code 2011, is amended to read as follows:

30 15 A state data center is established in the ~~department~~
30 16 ~~of education division~~. The state data center shall be
30 17 administered by the state data center coordinator, who
30 18 shall do all of the following:

30 19 Sec. 63. NEW SECTION. 256.58 Library support
30 20 network.

30 21 1. A library support network is established in the
30 22 division to offer services and programs for libraries,
30 23 including but not limited to individualized, locally
30 24 delivered consulting and training, and to facilitate
30 25 resource sharing and innovation through the use of
30 26 technology, administer enrich Iowa programs, advocate
30 27 for libraries, promote excellence and innovation in
30 28 library services, encourage governmental subdivisions
30 29 to provide local financial support for local libraries,
30 30 and ensure the consistent availability of quality
30 31 service to all libraries throughout the state,
30 32 regardless of location or size.

30 33 2. The organizational structure to deliver library
30 34 support network services shall include district
30 35 offices. The district offices shall serve as a basis
30 36 for providing field services to local libraries in the
30 37 counties comprising the district. The division shall
30 38 determine which counties are served by each district
30 39 office.

30 40 Sec. 64. NEW SECTION. 256.59 Specialized library
30 41 services.

30 42 The specialized library services unit is established
30 43 in the division to provide information services to the
30 44 three branches of state government and to offer focused
30 45 information services to the general public in the areas
30 46 of Iowa law, Iowa state documents, and Iowa history and
30 47 culture.

30 48 Sec. 65. NEW SECTION. 256.62 Library services
30 49 advisory panel.

30 50 1. The state librarian shall convene a library



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31 1 services advisory panel to advise and recommend to
31 2 the commission and the division evidence-based best
31 3 practices, to assist the commission and division to
31 4 determine service priorities and launch programs,
31 5 articulate the needs and interests of Iowa librarians,
31 6 and share research and professional development
31 7 information.

31 8 2. The library services advisory panel shall
31 9 consist of no fewer than eleven members representing
31 10 libraries of all sizes and types, and various
31 11 population levels and geographic regions of the
31 12 state. A simple majority of the members appointed
31 13 shall be appointed by the executive board of the Iowa
31 14 library association and the remaining members shall be
31 15 appointed by the state librarian. Terms of members
31 16 shall begin and end as provided in section 69.19. Any
31 17 vacancy shall be filled in the same manner as regular
31 18 appointments are made for the unexpired portion of the
31 19 regular term. Members shall serve four-year terms
31 20 which are staggered at the discretion of the state
31 21 librarian. A member is eligible for reappointment for
31 22 three successive terms. The members shall elect a
31 23 chairperson annually.

31 24 3. The library services advisory panel shall
31 25 meet at least twice annually and shall submit its
31 26 recommendations in a report to the commission and the
31 27 state librarian at least once annually. The report
31 28 shall be timely submitted to allow for consideration
31 29 of the recommendations prior to program planning and
31 30 budgeting for the following fiscal year.

31 31 4. Members of the library services advisory panel
31 32 shall receive actual and necessary expenses incurred
31 33 in the performance of their duties. Expenses shall
31 34 be paid from funds appropriated to the department for
31 35 purposes of the division.

31 36 Sec. 66. Section 256.70, unnumbered paragraph 1,
31 37 Code 2011, is amended to read as follows:

31 38 The division of ~~libraries and information~~ library
31 39 services of the department of education is hereby
31 40 authorized to enter into interstate library compacts on
31 41 behalf of the state of Iowa with any state bordering on
31 42 Iowa which legally joins therein in substantially the
31 43 following form and the contracting states agree that:

31 44 Sec. 67. Section 256.71, Code 2011, is amended to
31 45 read as follows:

31 46 256.71 Administrator.

31 47 The administrator of the division of ~~libraries and~~
~~31 48 information~~ library services shall be the compact
31 49 administrator. The compact administrator shall
31 50 receive copies of all agreements entered into by the



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32 1 state or its political subdivisions and other states
32 2 or political subdivisions; consult with, advise and
32 3 aid such governmental units in the formulation of
32 4 such agreements; make such recommendations to the
32 5 governor, legislature, governmental agencies and units
32 6 as the administrator deems desirable to effectuate the
32 7 purposes of this compact and consult and ~~co-operate~~
~~32 8 cooperate~~ with the compact administrators of other
32 9 party states.

32 10 Sec. 68. Section 273.2, subsection 4, Code 2011, is
32 11 amended to read as follows:

32 12 4. The area education agency board shall provide
32 13 for special education services and media services
32 14 for the local school districts in the area and shall
32 15 encourage and assist school districts in the area to
32 16 establish programs for gifted and talented children.
32 17 The board shall assist in facilitating interlibrary
32 18 loans of materials between school districts and other
32 19 libraries. ~~Each area education agency shall include~~
~~32 20 as a member of its media center advisory committee a~~
~~32 21 library service area trustee or library service area~~
~~32 22 staff member, who is appointed to the committee by the~~
~~32 23 commission of libraries.~~

32 24 Sec. 69. Section 669.2, subsection 5, Code 2011, is
32 25 amended to read as follows:

32 26 5. "State agency" includes all executive
32 27 departments, agencies, boards, bureaus, and commissions
32 28 of the state of Iowa, and corporations whose
32 29 primary function is to act as, and while acting as,
32 30 instrumentalities or agencies of the state of Iowa,
32 31 whether or not authorized to sue and be sued in
32 32 their own names. This definition does not include a
32 33 contractor with the state of Iowa. Soil and water
32 34 conservation districts as defined in section 161A.3,
32 35 subsection 6, and judicial district departments
32 36 of correctional services as established in section
32 37 905.2, ~~and library service area boards of trustees~~
~~32 38 as established in chapter 256~~ are state agencies for
32 39 purposes of this chapter.

32 40 Sec. 70. Section 904.601, unnumbered paragraph 1,
32 41 Code 2011, is amended to read as follows:

32 42 The director shall keep the following record of
32 43 every person committed to any of the department's
32 44 institutions: Name, residence, sex, age, place of
32 45 birth, occupation, civil condition, date of entrance
32 46 or commitment, date of discharge, whether a discharge
32 47 is final, condition of the person when discharged,
32 48 the name of the institutions from which and to which
32 49 the person has been transferred, and if the person
32 50 is dead, the date and cause of death. The director



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33 1 may permit the division of ~~libraries and information~~
33 2 library services of the department of education and
33 3 the historical division of the department of cultural
33 4 affairs to copy or reproduce by any photographic,
33 5 photostatic, microfilm, microcard, or other process
33 6 which accurately reproduces in a durable medium and to
33 7 destroy in the manner described by law the records of
33 8 inmates required by this paragraph.

33 9 Sec. 71. REPEAL. Sections 256.60, 256.61, 256.66
33 10 through 256.68, Code 2011, are repealed.

33 11 Sec. 72. TRANSITION PROVISION. A governor's
33 12 appointee serving on the state commission of libraries
33 13 on the effective date of this Act shall continue
33 14 to serve as a member of the commission until the
33 15 appointee's term expires.

33 16 Sec. 73. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH
33 17 OF SERVICE ==== TRANSFER OF PERSONNEL RECORDS.

33 18 1. The length of service of a permanent employee
33 19 of a library service area who is employed by a library
33 20 service area on June 30, 2011, and who is hired by the
33 21 division of library services on or after July 1, 2011,
33 22 shall be prorated and credited as state employment
33 23 service for purposes of vacation and sick leave
33 24 accrual.

33 25 2. The area administrator of each library service
33 26 area shall submit to the division of library services
33 27 the personnel records of each permanent full-time
33 28 employee of the library service area by July 1, 2011.

33 29 DIVISION III

33 30 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

33 31 Sec. 74. Section 260C.18A, subsection 2, Code 2011,
33 32 is amended by adding the following new paragraphs:

33 33 NEW PARAGRAPH. g. Development and implementation
33 34 of pathways for academic career and employment programs
33 35 under chapter 260H.

33 36 NEW PARAGRAPH. h. Development and implementation
33 37 of programs for the gap tuition assistance program
33 38 under chapter 260I.

33 39 NEW PARAGRAPH. i. Entrepreneurial education, small
33 40 business assistance, and business incubators.

33 41 Sec. 75. NEW SECTION. 260H.1 Title.

33 42 This chapter shall be known and may be cited as the
33 43 "Pathways for Academic Career and Employment Act".

33 44 Sec. 76. NEW SECTION. 260H.2 Pathways for academic
33 45 career and employment program.

33 46 A pathways for academic career and employment
33 47 program is established to provide funding to
33 48 community colleges for the development of projects
33 49 in coordination with the department of economic
33 50 development, the department of education, Iowa



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34 1 workforce development, regional advisory boards
34 2 established pursuant to section 84A.4, and community
34 3 partners to implement a simplified, streamlined, and
34 4 comprehensive process, along with customized support
34 5 services, to enable eligible participants to acquire
34 6 effective academic and employment training to secure
34 7 gainful, quality, in-state employment.
34 8 Sec. 77. NEW SECTION. 260H.3 Eligibility criteria.
34 9 1. Projects eligible for funding for the pathways
34 10 for academic career and employment program shall be
34 11 projects that further the ability of members of target
34 12 populations to secure gainful, quality employment.
34 13 For the purposes of this chapter, "target population"
34 14 includes:
34 15 a. Persons deemed low skilled for the purposes of
34 16 attaining gainful, quality, in-state employment.
34 17 b. Persons earning incomes at or below two hundred
34 18 percent of the federal poverty level as defined by
34 19 the most recently revised poverty income guidelines
34 20 published by the United States department of health and
34 21 human services.
34 22 c. Unemployed persons.
34 23 d. Underemployed persons.
34 24 e. Dislocated workers, including workers eligible
34 25 for services and benefits under the federal Trade
34 26 Adjustment Act of 2002, Pub. L. No. 107-210, as
34 27 determined by the department of workforce development
34 28 and the federal internal revenue service.
34 29 2. Projects eligible for funding for the pathways
34 30 for academic career and employment program shall
34 31 be projects that further partnerships that link
34 32 the community colleges to industry and nonprofit
34 33 organizations and projects that further program
34 34 outcomes as provided in section 260H.4.
34 35 Sec. 78. NEW SECTION. 260H.4 Program outcomes.
34 36 Projects eligible for funding for the pathways
34 37 for academic career and employment program shall be
34 38 programs which further the following program outcomes:
34 39 1. Enabling the target populations to:
34 40 a. Acquire and demonstrate competency in basic
34 41 skills.
34 42 b. Acquire and demonstrate competency in a
34 43 specified technical field.
34 44 c. Complete a specified level of postsecondary
34 45 education.
34 46 d. Earn a national career readiness certificate.
34 47 e. Obtain employer-validated credentials.
34 48 f. Secure gainful employment in high-quality, local
34 49 jobs.
34 50 2. Satisfaction of economic and employment goals



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35 1 including but not limited to:
35 2 a. Economic and workforce development requirements
35 3 in each region served by the community colleges
35 4 as defined by regional advisory boards established
35 5 pursuant to section 84A.4.
35 6 b. Needs of industry partners in areas including
35 7 but not limited to:
35 8 (1) Information technology.
35 9 (2) Health care.
35 10 (3) Advanced manufacturing.
35 11 (4) Transportation and logistics.
35 12 c. Any other industry designated as in=demand by a
35 13 regional advisory board established pursuant to section
35 14 84A.4.
35 15 Sec. 79. NEW SECTION. 260H.5 Program component
35 16 requirements.
35 17 Program components of a pathways for academic career
35 18 and employment project implemented at a community
35 19 college shall:
35 20 1. Include measurable and effective recruitment,
35 21 assessment, and referral activities designed for the
35 22 target populations.
35 23 2. Integrate basics skills and work=readiness
35 24 training with occupational skills training.
35 25 3. Combine customized supportive and case
35 26 management services with training services to help
35 27 participants overcome barriers to employment.
35 28 4. Provide training services at times, locations,
35 29 and through multiple, flexible modalities that are
35 30 easily understood and readily accessible to the
35 31 target populations. Such modalities shall support
35 32 timeless entry, individualized learning, and flexible
35 33 scheduling, and may include online remediation,
35 34 learning lab and cohort learning communities, tutoring,
35 35 and modularization.
35 36 Sec. 80. NEW SECTION. 260H.6 Pipeline program.
35 37 Each community college receiving funding for the
35 38 pathways for academic career and employment program
35 39 shall develop a pipeline program in order to better
35 40 serve the academic, training, and employment needs of
35 41 the target populations. A pipeline program shall have
35 42 the following goals:
35 43 1. To strengthen partnerships with community=based
35 44 organizations and industry representatives.
35 45 2. To improve and simplify the identification,
35 46 recruitment, and assessment of qualified participants.
35 47 3. To conduct and manage an outreach, recruitment,
35 48 and intake process, along with accompanying support
35 49 services, reflecting sensitivity to the time and
35 50 financial constraints and remediation needs of the



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36 1 target populations.
36 2 4. To conduct orientations for qualified
36 3 participants to describe regional labor market
36 4 opportunities, employer partners, and program
36 5 requirements and expectations.
36 6 5. To describe the concepts of the project
36 7 implemented with funds from the pathways for academic
36 8 career and employment program and the embedded
36 9 educational and support resources available through
36 10 such project.
36 11 6. To outline the basic skills participants will
36 12 learn and describe the credentials participants will
36 13 earn.
36 14 7. To describe success milestones and ways in which
36 15 temporal and instructional barriers have been minimized
36 16 or eliminated.
36 17 8. To review how individualized and customized
36 18 service strategies for participants will be developed
36 19 and provided.
36 20 Sec. 81. NEW SECTION. 260H.7 Career pathways and
36 21 bridge curriculum development program.
36 22 Each community college receiving funding for the
36 23 pathways for academic career and employment program
36 24 shall develop a career pathways and bridge curriculum
36 25 development program in order to better serve the
36 26 academic, training, and employment needs of the target
36 27 populations. A career pathways and bridge curriculum
36 28 development program shall have the following goals:
36 29 1. The articulation of courses and modules, the
36 30 mapping of programs within career pathways, and
36 31 establishment of bridges between credit and noncredit
36 32 programs.
36 33 2. The integration and contextualization of
36 34 basic skills education and skills training. This
36 35 process shall provide for seamless progressions
36 36 between adult basic education and general education
36 37 development programs and continuing education and
36 38 credit certificate, diploma, and degree programs.
36 39 3. The development of career pathways that support
36 40 the attainment of industry-recognized credentials,
36 41 diplomas, and degrees through stackable, modularized
36 42 program delivery.
36 43 Sec. 82. NEW SECTION. 260H.8 Rules.
36 44 The department of economic development, in
36 45 consultation with the community colleges, the
36 46 department of education, and Iowa workforce
36 47 development, shall adopt rules pursuant to chapter 17A
36 48 and this chapter to implement the provisions of this
36 49 chapter. Regional advisory boards established pursuant
36 50 to section 84A.4 shall be consulted in the development



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37 1 and implementation of rules to be adopted pursuant to
37 2 this chapter.

37 3 Sec. 83. NEW SECTION. 260I.1 Title.

37 4 This chapter shall be known and may be cited as the
37 5 "Gap Tuition Assistance Act".

37 6 Sec. 84. NEW SECTION. 260I.2 Gap tuition
37 7 assistance program.

37 8 A gap tuition assistance program is established to
37 9 provide funding to community colleges for need-based
37 10 tuition assistance to applicants to enable completion
37 11 of continuing education certificate training programs
37 12 for in-demand occupations.

37 13 Sec. 85. NEW SECTION. 260I.3 Applicants for
37 14 tuition assistance ==== eligibility criteria.

37 15 1. The department of economic development,
37 16 in consultation with the department of education
37 17 shall adopt rules pursuant to this chapter defining
37 18 eligibility criteria for persons applying to receive
37 19 tuition assistance under this chapter.

37 20 2. Eligibility for tuition assistance under this
37 21 chapter shall be based on financial need. Criteria to
37 22 be assessed in determining financial need shall include
37 23 but is not limited to:

37 24 a. The applicant's family income for the twelve
37 25 months prior to the date of application.

37 26 b. The applicant's family size.

37 27 c. The applicant's county of residence.

37 28 3. a. An applicant for tuition assistance under
37 29 this chapter must have a demonstrated capacity to
37 30 achieve the following outcomes:

37 31 (1) The ability to complete an eligible certificate
37 32 program.

37 33 (2) The ability to enter a postsecondary
37 34 certificate, diploma, or degree program for credit.

37 35 (3) The ability to gain full-time employment.

37 36 (4) The ability to maintain full-time employment
37 37 over time.

37 38 b. The community college receiving the application
37 39 shall only approve an applicant for tuition assistance
37 40 under this chapter if the community college determines
37 41 the applicant has a strong likelihood of achieving the
37 42 outcomes described in paragraph "a" after considering
37 43 factors including but not limited to:

37 44 (1) Barriers that may prevent an applicant from
37 45 completing the certificate program.

37 46 (2) Barriers that may prevent an applicant from
37 47 gaining employment in an in-demand occupation.

37 48 4. Applicants may be found eligible for partial or
37 49 total tuition assistance.

37 50 5. Tuition assistance shall not be approved when



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38 1 the community college receiving the application
38 2 determines that funding for an applicant's
38 3 participation in an eligible certificate program is
38 4 available from any other public or private funding
38 5 source.
38 6 Sec. 86. NEW SECTION. 260I.4 Applicants for
38 7 tuition assistance ==== additional provisions.
38 8 1. An applicant for tuition assistance under
38 9 this chapter shall provide to the community college
38 10 receiving the application documentation of all sources
38 11 of income.
38 12 2. Only an applicant eligible to work in the United
38 13 States shall be approved for tuition assistance under
38 14 this chapter.
38 15 3. An application shall be valid for six months
38 16 from the date of signature on the application.
38 17 4. A person shall not be approved for tuition
38 18 assistance under this chapter for more than one
38 19 eligible certificate program.
38 20 5. Eligibility for tuition assistance under this
38 21 chapter shall not be construed to guarantee enrollment
38 22 in any community college certificate program.
38 23 6. Eligibility for tuition assistance under this
38 24 chapter shall be limited to persons earning incomes at
38 25 or below two hundred percent of the federal poverty
38 26 level as defined by the most recently revised poverty
38 27 income guidelines published by the United States
38 28 department of health and human services.
38 29 Sec. 87. NEW SECTION. 260I.5 Eligible costs.
38 30 Costs of a certificate program eligible for coverage
38 31 by tuition assistance shall include but are not limited
38 32 to:
38 33 1. Tuition.
38 34 2. Direct training costs.
38 35 3. Required books and equipment.
38 36 4. Fees including but not limited to fees for
38 37 industry testing services and background check testing
38 38 services.
38 39 Sec. 88. NEW SECTION. 260I.6 Eligible certificate
38 40 programs.
38 41 For the purposes of this chapter, "eligible
38 42 certificate program" means a program meeting all of the
38 43 following criteria:
38 44 1. The program is not offered for credit, but is
38 45 aligned with a certificate, diploma, or degree for
38 46 credit, and does any of the following:
38 47 a. Offers a state, national, or locally recognized
38 48 certificate.
38 49 b. Offers preparation for a professional
38 50 examination or licensure.



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39 1 c. Provides endorsement for an existing credential
39 2 or license.
39 3 d. Represents recognized skill standards defined by
39 4 an industrial sector.
39 5 e. Offers a similar credential or training.
39 6 2. The program offers training or a credential in
39 7 an in=demand occupation. For the purposes of this
39 8 chapter, "in=demand occupation" includes occupations in
39 9 the following industries:
39 10 a. Information technology.
39 11 b. Health care.
39 12 c. Advanced manufacturing.
39 13 d. Transportation and logistics.
39 14 e. Any other industry designated as in=demand by a
39 15 regional advisory board established pursuant to section
39 16 84A.4.
39 17 Sec. 89. NEW SECTION. 260I.7 Initial assessment.
39 18 An applicant for tuition assistance under this
39 19 chapter shall complete an initial assessment
39 20 administered by the community college receiving the
39 21 application to determine the applicant's readiness
39 22 to complete an eligible certificate program. The
39 23 assessment shall include assessments for completion of
39 24 a national career readiness certificate, including the
39 25 areas of reading for information, applied mathematics,
39 26 and locating information. An applicant must achieve a
39 27 bronze=level certificate or the minimum score required
39 28 for an eligible certificate program, whichever is
39 29 higher, in order to be approved for tuition assistance.
39 30 An applicant shall complete any additional assessments
39 31 and occupational research required by an eligible
39 32 certificate program.
39 33 Sec. 90. NEW SECTION. 260I.8 Program interview.
39 34 An applicant for tuition assistance under this
39 35 chapter shall meet with a member of the staff for
39 36 an eligible certificate program offered by the
39 37 community college receiving the application. The
39 38 staff member shall discuss the relevant industry, any
39 39 applicable occupational research, and any applicable
39 40 training relating to the eligible certificate program.
39 41 The discussion shall include an evaluation of the
39 42 applicant's capabilities, needs, family situation,
39 43 work history, educational background, attitude and
39 44 motivation, employment skills, vocational potential,
39 45 and employment barriers. The discussion shall also
39 46 include potential start dates, support needs, and other
39 47 requirements for an eligible certificate program.
39 48 Sec. 91. NEW SECTION. 260I.9 Participation
39 49 requirements.
39 50 1. A participant in an eligible certificate program



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40 1 who receives tuition assistance pursuant to this
40 2 chapter shall do all of the following:
40 3 a. Maintain regular contact with staff members for
40 4 the certificate program to document the applicant's
40 5 progress in the program.
40 6 b. Sign a release form to provide relevant
40 7 information to community college faculty or case
40 8 managers.
40 9 c. Discuss with staff members for the certificate
40 10 program any issues that may impact the participant's
40 11 ability to complete the certificate program, obtain
40 12 employment, and maintain employment over time.
40 13 d. Attend all required courses regularly.
40 14 e. Meet with staff members for the certificate
40 15 program to develop a job search plan.
40 16 2. A community college may terminate tuition
40 17 assistance for a participant who fails to meet the
40 18 requirements of this section.
40 19 Sec. 92. NEW SECTION. 260I.10 Oversight.
40 20 1. The department of economic development, in
40 21 coordination with the community colleges, shall
40 22 establish a steering committee. The steering committee
40 23 shall determine if the performance measures of the gap
40 24 tuition assistance program are being met and shall
40 25 take necessary steps to correct any deficiencies. The
40 26 steering committee shall meet at least quarterly to
40 27 evaluate and monitor the performance of the gap tuition
40 28 assistance program.
40 29 2. The department of economic development, in
40 30 coordination with the community colleges, shall
40 31 develop a common intake tracking system that shall
40 32 be implemented consistently by each participating
40 33 community college.
40 34 3. The department of education shall coordinate
40 35 statewide oversight, evaluation, and reporting efforts
40 36 for the gap tuition assistance program.
40 37 Sec. 93. NEW SECTION. 260I.11 Rules.
40 38 The department of economic development, in
40 39 consultation with the department of education and
40 40 the community colleges, shall adopt rules pursuant
40 41 to chapter 17A and this chapter to implement the
40 42 provisions of this chapter.>
40 43 #2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, CHAIRPERSON
HF645.2720 (5) 84
kh/tm



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PAG LIN

1 1 Amend Senate File 524 as follows:
1 2 #1. Page 1, line 18, by striking <fifty> and
1 3 inserting <~~fifty~~ twenty=six>
1 4 #2. Page 3, line 23, after <4.> by inserting a.>
1 5 #3. Page 3, line 29, before <The> by inserting
1 6 b.>
1 7 #4. Page 3, line 32, by striking <fifty=three> and
1 8 inserting <sixty=nine>
1 9 #5. Page 4, line 8, after <purpose.> by inserting
1 10 <Of the maximum amount of energy production capacity
1 11 equivalent of all other facilities found eligible under
1 12 this chapter, an amount equivalent to sixteen megawatts
1 13 of nameplate generating capacity shall be reserved
1 14 for eligible renewable energy facilities incorporated
1 15 within or associated with an ethanol cogeneration
1 16 plant, provided such a facility becomes operational on
1 17 or before July 1, 2016. Notwithstanding subsection
1 18 3, in the event such a facility does not become
1 19 operational on or before July 1, 2016, the sixteen
1 20 megawatts of nameplate generating capacity reserved for
1 21 such facilities shall cease to be reserved.>

MERLIN BARTZ
SF524.2709 (3) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
April 21, 2011

Senate File 530 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SF 169)

(COMPANION TO HF 252
BY Wenthe)

A BILL FOR

1 An Act relating to the family farm property tax credit by
2 providing for eligible entities and including effective date
3 and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1425SV (1) 84
da/sc



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1 1 Section 1. Section 425A.2, subsection 4, Code 2011, is
1 2 amended by adding the following new paragraphs:
1 3 NEW PARAGRAPH. 0d. If the owner is a family farm limited
1 4 liability company, a family member who is a member of the
1 5 family farm limited liability company or the member's spouse.
1 6 NEW PARAGRAPH. 0e. If the owner is an authorized limited
1 7 liability company, a member who holds at least fifty=one
1 8 percent of all membership interests in the authorized limited
1 9 liability company, or the member's spouse.
1 10 NEW PARAGRAPH. 0f. If the owner is an individual who leases
1 11 the tract to a family farm limited liability company, a member
1 12 of the family farm limited liability company if the combined
1 13 interests of the family farm limited liability company held
1 14 by the owner of the tract and persons related to the owner as
1 15 enumerated in paragraph "a" is equal to at least fifty=one
1 16 percent of the interests of the family farm limited liability
1 17 company.
1 18 Sec. 2. Section 425A.2, subsection 6, paragraph f, Code
1 19 2011, is amended to read as follows:
1 20 f. A family farm corporation ~~or~~, family farm limited
1 21 liability company, authorized farm corporation, ~~as both are or~~
1 22 authorized limited liability company, as defined in section
1 23 9H.1, which owns the agricultural land.
1 24 Sec. 3. EFFECTIVE DATE AND APPLICABILITY. This Act takes
1 25 effect January 1, 2012, and applies to family farm limited
1 26 liability company and authorized limited liability company tax
1 27 credit claims filed on or after that date.
1 28 EXPLANATION
1 29 This bill amends Code chapter 425A which creates a family
1 30 farm tax credit which benefits an owner of agricultural land
1 31 located in a school district in which the levy for its general
1 32 school fund exceeds \$5.40 per thousand dollars of assessed
1 33 value. There are two general requirements. First, the owner
1 34 must be an individual or an eligible corporate entity. Second,
1 35 the agricultural land must be farmed by a "designated person"



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2 1 who is limited to the owner or a person related to the owner.
2 2 OWNERSHIP. The bill increases the number of eligible
2 3 corporate entities entitled to claim the tax credit. Currently
2 4 the tax credit can be claimed by a family farm corporation or
2 5 an authorized farm corporation which are both exempt from the
2 6 provisions of Code chapter 9H, prohibiting corporate entities
2 7 from holding agricultural land.
2 8 CONDITIONS. The bill provides that a family farm limited
2 9 liability company must comply with the same conditions as a
2 10 family farm corporation. It must be founded for the purpose
2 11 of farming and the ownership of agricultural land; a majority
2 12 of the members must be related; all the members must be
2 13 individuals, or acting in a fiduciary capacity for individuals;
2 14 and 60 percent of its gross revenues over the last three years
2 15 must come from farming. An authorized limited liability
2 16 company must comply with the same conditions as an authorized
2 17 farm corporation. It also must be founded for the purpose of
2 18 farming and the ownership of agricultural land; there cannot be
2 19 more than 25 members who must be individuals or persons acting
2 20 in a fiduciary capacity for individuals; and it cannot hold
2 21 more than 1,500 acres of agricultural land.
2 22 RESTRICTION ON LEASES. Code chapter 425A provides that an
2 23 owner cannot qualify for the tax credit if the owner leases
2 24 the agricultural land to another person. One exception
2 25 applies when the owner is also a shareholder of a family farm
2 26 corporation and leases the land to that entity. The bill
2 27 provides that the same exception applies to an owner who is
2 28 also a member of a family farm limited liability company. The
2 29 owner leasing the agricultural land to a family farm limited
2 30 liability company cannot qualify for the tax credit, unless a
2 31 designated person is actually farming the agricultural land,
2 32 and 51 percent or more of the total membership interest in the
2 33 family farm limited liability company is held by the owner or
2 34 the owner's relatives.
2 35 EFFECTIVE DATE. The bill takes effect January 1, 2012,



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3 1 and applies to a family farm limited liability company and
3 2 authorized limited liability company tax credit filed on or
3 3 after that date.

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